

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)..... CRLMP No(s) .
9599/2015

(Arising out of impugned final judgment and order dated 25/05/2015
in BA No. 878/2015 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA

Petitioner(s)

VERSUS

GOVT. OF NCT OF DELHI AND ANR.

Respondent(s)

(With appln. for permission to file SLP)

Date : 29/05/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE UDAY UMESH LALIT
(Vacation Bench)

For Petitioner(s) Mr. Ranjit Kumar, S.G.
Ms. Pinky Anand, ASG.
Mr. Maninder Singh, Sr. Adv.
Ms. Vmohna, Sr. Adv.
Mr. Ritin Rai, Adv.
Ms. Binu tata, Adv.
Ms. Sadhvi M., Adv.
Mr. Aman Sinha, Adv.
Ms. Sushma Suri, Adv.
Ms. Kritika Sachdeva, Adv.

For Respondent(s) Mr. Parag P. Tripathi, Sr. Adv.
Mr. Dayan Krishna, Sr. Adv.
Mr. Rahul Mehra, Adv.
Mr. H.S. Phoolka, Adv.
Mr. J.S. Chhabra, Adv.
Mr. Chirag M. Shroff, Adv.
Mr. Gautam Narayan, Adv.
Ms. Mahima Shroff, Adv.
Mr. Kunal Bahri, Adv.
Mr. V. Sinha, Adv.
Ms. Swati Vaibhav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Permission to file SLP is granted.

Issue notice.

Mr. Chirag M. Shroff, learned counsel accepts notice.

Notice need not be issued to respondent No.2.

Counter affidavit may be filed within six weeks.

Rejoinder, if any, be filed within four weeks thereafter.

Issue notice on application for stay.

Learned Solicitor General prays for stay of observations made in paras 44 as well as 65 to 67. Since we are issuing notice, aforesaid prayer will be considered after the reply is filed within three weeks.

However, insofar as observations made in para 66 are concerned, we find that they pertain to Notification bearing No. 1368 (E) issued on 21.5.2015 which was issued after the judgment was reserved by the High Court. Neither the Union of India was party who had issued this Notification nor was there any occasion to any hearing on the said Notification. We are also informed that this Notification has been challenged by the respondent No.1 by filing the Writ Petition in the High Court under Art.226 of the Constitution.

We, therefore, clarify that the observations made therein were only tentative in nature without expressing any opinion on the validity of Notification dated 21.5.2015 and it would be open to the High Court to deal with the said petition independently without being influenced by any observations made in para 66, or for that matter in other paragraphs of the impugned order.

(SUMAN WADHWA)
AR-cum-PS

(SUMAN JAIN)
COURT MASTER