

Listed on: 17.03.2026

Court No. 1

Item No. 901

SECTION XI-A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) 14156 OF 2021
WITH
INTERLOCUTORY APPLICATION NO. 114653 OF 2021
(Application for exemption from filing official translation)
WITH
PRAYER FOR INTERIM RELIEF

M/S SHREE GOPAL KRISHNA GOSALA, CUTTACK

...Petitioner

Versus

ASHOK KUMAR BEHERA AND ANR.

..Respondents

OFFICE REPORT IN AFTER NOTICE MATTER

The matter above-mentioned was listed before the Hon'ble Court on 17.09.2021 with other matters, when the court was pleased to pass the following order:

“ Issue notice on special leave petition as well as on the interim relief.

Service of notice is waived as Mr. Kedar Nath Tripathi, learned counsel accepts notice on behalf of respondent

Learned counsel for the respondent seeks time to file appearance.

List after four weeks. ”

The matter above-mentioned was listed before the Hon'ble Court on 12.10.2023 with other matters, when the court was pleased to pass, inter-alia, the following order:

“ 1. On the request of Mr. Tushar Mehta, Solicitor General, the Union of India is impleaded as a party.

2. Issue notice to the newly impleaded party.

3. Mr. Tushar Mehta, Solicitor General, states that no further notice is required and waives service of notice.

.....”

The matter above-mentioned was lastly listed before the Hon'ble Court on 16.02.2026 with other connected matters, when the Court was pleased to pass the following order:

“ 1. The instant appeals have been referred to a Nine- Judge Bench to consider the correctness of the judgment rendered by a seven-judge Bench in Bangalore Water Supply and Sewerage Board vs. A. Rajappa, (1978) 2 SCC 213 and concomitantly to also re-consider the interpretation of the expression “industry” as defined in Section 2(j) of the Industrial Disputes Act, 1947 (for short, ‘the ID Act’). A Nine-Judge Bench, to be constituted by Hon’ble the Chief Justice of India separately, through an administrative order, in our considered opinion, will have to adjuciate the following broad issues:

- (I) Whether the test laid down in paragraphs 140 to 144 in the opinion rendered by Hon’ble Mr. Justice V.R. Krishna Iyer in Bangalor Water Supply and Sewerage Board’s Case (supra) to determine if an undertaking or enterprise falls within the definition of “industry” lays down correct law? And whether the Industrial Disputes (Amendment) Act, 1982 (which seemingly did not come into force) and the Industrial Relations Code, 2020 (with effect from 21.11.2025) have any legal impact on the interpretation of the expression “ industry” as contained in the principal Act?**
- (ii) Whether social welfare activities and schemes or other enterprises undertaken by the Government Departments or their instrumentalities can be construed to be “ industrial activities” for the purpose of Section 2(j) of the ID Act?**
- (iii) What State activities will be covered by the expression “ sovereign function”, and whether such activities will fall outside the purview of the Section 2(j) of the ID Act?**
- (iv) Any other issue(s) that may arise during the course of hearing before the Nine-Judge Bench.**

2. Keeping in mind the order dated 12.10.2023, whereby notice was issued to the Union of India as a newly impleaded respondent along with a direction to the parties to put together a common compilation of submissions, pleadings, documents and precedents by 20.11.2023, we are of the considered view that a substantial part of the case management required for final hearing of these appeals already stands completed.

3. That being so,, and in the light of the questions formulated above, we grant further opportunity to the parties to update their written submissions or submit fresh consolidated written submissions on or before 28.02.2026. In this regard, the Nodal Counsel, Ms. Arushi Singh and Mr. Satwik Mishra, already appointed by this Court vide order dated 12.10.2023, shall provide their assistance and facilitate submissions before the Bench by putting together a fresh common compilation of submissions, pleadings, documents and precedents.

4. The Nine-Judge Bench will commence hearing on 17.03.2026 at 10.30 A.M. , and the same shall be concluded on 18.03.2026.

5. The Appellant (s) will be granted, tentatively, four hours of actual Court time to complete their oral submissions. The contesting respondents shall be granted , tentatively, three hours time to complete their oral submissions. We will also consider providing one additional hour to the appellant (s) for their rejoinder submissions.

6. The Nodal Counsels, in consultation with the arguing Senior Counsels/ other counsels, shall prepare an internal arrangement amongst the arguing counsels with an endeavour to ensure that the arguments are completed within the stipulated timeline.

7. The parties shall follow the Circular No. F. No. 9/Judl. 2024, dated 03.04.2024, issued by the Registry while making compilation of the volumes, and other miscellaneous directions.

8. Contempt Petition © No. 118/2024 in C.A. No. 4569/2002 is ordered to be de-tagged from this batch of matters.

9. All interlocutory applications seeking early hearing are, accordingly, disposed of.

10. All interlocutory applications seeking intervention/impleadment are also disposed of with liberty to the applicants to intervene and assist the Bench. Ordered accordingly.

It is submitted for the information of the Hon'ble Court that there two Respondents.

The status of parties and pleadings as regards the special leave petition/appeal is as under:

Name of the Parties	Vakalatnama file by Advocate on-Record/ Memo of Appearance by Party in-person	Counter Affidavit filed on	Rejoinder Affidavit filed on	Page No(s)	Remarks
RESPONDENT No. - 1 ASHOK KUMAR BEHERA	Mr. Kedar Nath Tripathy, Advocate	Filed on behalf of Sole Respondent on 02.03.2022 and included	-	185-194	Service is Complete
RESPONDENT No. 2 UNION OF INDIA	--	-	--	--	In view of Hon'ble Court's Order dated 12-10-2023, Service is deemed to be complete.
PETITIONER No.1 - 1 M/S SHREE GOPAL KRISHNA GOSALA, CUTTACK	Mr. Anirudh Sanganeria, Advocate	--	--	--	--

4. The status of applications/affidavits/documents filed by the parties, subsequent to the filing of special leave petition/appeal, is as under:

S.No.	Appln. No.	Name of Advocate on-record	Filed on	Description of Application/Affidavit/Document	Page No	Remarks
1.	267914/2023	1749 - KEDAR NATH TRIPATHY	28-12-2023 16:13:11	WRITTEN SUBMISSION/ STATEMENT	1-4	Included in SLP paperbooks
2.	268608/2023	2385 - ANIRUDH SANGANERIA	30-12-2023 13:53:57	WRITTEN SUBMISSION/	1-17	Included in SLP

				STATEMENT		paperbooks
3.	70071/2026	2385 - ANIRUDH SANGANERIA	28-02-2026 13:06:57	UPDATED WRITTEN SUBMISSION/ STATEMENT	1-23	Included in SLP paperbooks

Service is complete.

The matter along with Application above-mentined is listed before the Hon'ble Court with this Office Report.

Dated this the 16^h March, 2026.

Sd/-

ASSISTANT REGISTRAR

Copy to:

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Delhi

Mr. Kedar Nath Tripathy Chamber No. 423, D Block, Additional Building Complex
Supreme Court Of India, New Delhi-110001 Ne

ASSISTANT REGISTRAR