

ITEM NO.13

COURT NO.3

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 20131/2019

(Arising out of impugned final judgment and order dated 31-05-2019 in WPCRL No. 1404/2019 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

RANJAN SAHAI & ORS.

Respondent(s)

Date : 31-05-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE A.S. BOPANNA
(VACATION BENCH)

For Petitioner(s) Mr. Tushar Mehta, SG
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Gurmeet Singh Makker, AOR

For Respondent(s)

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

Leave to place on record the communication dated 1st April, 2019 by the Government of India, Ministry of Mines addressed to the Director, Central Bureau of Investigation as well as the impugned order dated 31.05.2019 passed by the High Court of Delhi by which the High Court has stayed the communication dated 1st April, 2019.

Heard Mr. Tushar Mehta, learned Solicitor General appearing on behalf of the petitioners and perused the material on record.

Apart from the fact that when one application with the similar prayer(s) was pending in which notice was issued and the matter was adjourned to July, 2019 the High Court ought not to have permitted the private respondents herein to file fresh petition under Section 482 of the Cr.P.C., in the facts and circumstances of the case and looking to the serious allegations we are *prima facie* of the opinion that the High Court was not justified in passing impugned order. In the operative part of the order the High Court has held as under:

"In view of the above, as prayed for by Shri Tushar Mehta, learned Solicitor General granting him time till the next date to file the detailed counter affidavit and all objections as he may want to raise, we direct that there shall be stay of the communication/reference order dated 01.04.2019 and all subsequent actions and proceedings initiated in pursuance to the said order till the disposal of this petition or till this order is varied or modified on affidavits or objections raised by the respondents and we further direct that respondents no. 4 and 5 shall not deal with any matter connected with the issuance of licence or permission by the petitioner under the OAMDR Act till conclusion of the CVC enquiry pending against them in pursuance to the order passed on 15.03.2019."

Issue notice.

Tag with SLP(C)11759 of 2019.

In the meantime, by way of an interim order, the impugned order dated 31.05.2019 passed in CrI.M.A. No. 11588 of 2019 in W.P (CrI.) No. 1404 of 2019 is hereby stayed. However, the Central Bureau of Investigation is permitted to proceed further with the enquiry as per the request made by the Government of India, Ministry of Mines dated 1st April, 2019. However, the same shall be

subject to further order that may be passed by this Court in the present proceedings.

(ASHWANI KUMAR)
COURT MASTER (SH)

(RAJINDER KAUR)
BRANCH OFFICER