

ITEM NO.4

/RE-R E V I S E D/

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).744/2017

CHITRA SHARMA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(and IA No.30118/2018-impleading party and IA No.30122/2018-
CLARIFICATION/DIRECTION and IA No.30125/2018-impleading party
and IA No.30133/2018-impleading party and IA No.30140/2018-
impleading party and IA No.32031/2018-impleading party and IA
No.32977/2018-INTERVENTION APPLICATION and IA No.32978/2018-
CLARIFICATION/DIRECTION and IA No.33431/2018-STAY APPLICATION)

WITH

[ITEM NO.4.1 - W.P.(C) No.782/2017 (X)];
[ITEM NO.4.2 - W.P.(C) No.783/2017 (X)
(IA No.83314/2017 - Appln. For interim relief];
[ITEM NO.4.3 - SLP(C) No. 24001/2017 (XI)
(and IA No.17043/2018-CLARIFICATION/DIRECTION)];
[ITEM NO.4.4 - W.P.(C) No. 805/2017 (X)
(FOR STAY APPLICATION ON IA 84812/2017)];
[ITEM NO.4.5 - W.P.(C) No.803/2017 (X)];
[ITEM NO.4.6 - SLP(C) No. 24002/2017 (XI)
(FOR PERMISSION TO FILE SLP/TP ON IA 84838/2017 FOR PERMISSION
TO FILE ADDITIONAL DOCUMENTS ON IA 84839/2017 FOR
INTERVENTION/IMPLEADMENT ON IA 84840/2017 and IA No.88057/2017-
INTERVENTION/IMPLEADMENT and IA No.88410/2017-
CLARIFICATION/DIRECTION and IA No.88689/2017-INTERVENTION
APPLICATION and IA No.88696/2017-MODIFICATION and IA
No.89329/2017-INTERVENTION/IMPLEADMENT and IA No.115034/2017-
INTERVENTION APPLICATION and IA No.119047/2017-impleading
party)];
[ITEM NO.4.7 - W.P.(C) No. 950/2017 (X)];
[ITEM NO.4.8 - W.P.(C) No. 860/2017 (X)
(FOR ADMISSION)];
[ITEM NO.4.9 - SLP(C) No. 36396/2017 (XI)
(FOR ADMISSION and I.R. and IA No.98200/2017-EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT and IA No.98186/2017-
APPLICATION FOR IMPLEADMENT OF RESPONDENTS and IA No.98181/2017-
PERMISSION TO FILE SLP/TP and IA No.98204/2017-PERMISSION TO
FILE ADDITIONAL DOCUMENTS and IA No.137592/2017-
CLARIFICATION/DIRECTION)];

[ITEM NO.4.10 - Diary No(s). 33267/2017 (XI)
(FOR ADMISSION and I.R. and IA No.129410/2017-EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT and IA No.131630/2017-
INTERVENTION/IMPLEADMENT and IA No.129408/2017-PERMISSION TO
FILE SLP/TP and IA No.129406/2017-CONDONATION OF DELAY IN
REFILING and IA No.129413/2017-PERMISSION TO FILE LENGTHY LIST
OF DATES)].

Date : 16-04-2018 These petitions were called on for hearing
today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Mr. Pawan Shree Agrawal, Adv. [A.C.]
Mr. Gaurav Agrawal, Adv. [A.C.]

For Petitioner(s) Ms. Revathy Raghavan, Adv. [AOR]
Mr. S. Muthu Krishnan, Adv.
Mr. Selvaraj, Adv.

Mr. Shuvodeep Roy, Adv. [AOR]

Mr. Fuzail Ahmad Ayyubi, Adv. [AOR]

Mr. Arun Monga, Adv.
Ms. Divya Sharma, Adv.
Mr. Gopal Jha, Adv. [AOR]

Mr. R.P. Gupta, Adv. [AOR]

Ms. Mohna-in-person
Ms. Geetali Talukdar, Adv.

Dr. R.R. Kishore, Adv.
Mr. Karunakar Mahalik, Adv. [AOR]

Ms. Neela Kedar Gokhale, Adv.
Mr. Anvesh Verma, Adv.
Mr. Rakshit Thakur, Adv.
Mr. Shovan Mishra, Adv. [AOR]
Mr. Ilam Paridi, Adv.

Mr. Pawanshree Agrawal, Adv. [AOR]

Mr. Prashant Kumar, Adv.
Mr. Shantanu Sagar, Adv. [AOR]

Ms. Sujeeta Srivastava, Adv. [AOR]

Mr. Bijoy Kumar Jain, Adv. [AOR]

For Respondent(s) M/s. UNUC Legal LLP, Adv. [AOR]

Mr. Bishwajit Dubey, Adv.
Ms. Srideepa Bhattacharayya, Adv.
Mr. Manpreet Lamba, Adv.
for
M/s. Cyril Amarchand Mangaldas, Adv. [AOR]

Mr. Anupam Lal Das, Adv. [AOR]
Mr. Vishal Gupta, Adv.
Mr. Anirudh Singh, Adv.
Mr. Krishanu Barua, Adv.

Mr. Vishnu Sharma, Adv. [AOR]
Ms. Anupama Sharma, Adv.
Ms. Sonali Negi, Adv.

Mr. Ravindra Kumar, Adv. [AOR]

Mrs. V. Mohana, Sr. Adv.
Mr. Harish V. Shankar, Adv.
Ms. Kashvi Dutta, Adv.
Mr. Pushkar Taimni, Adv.
Mr. Syed Shahid Hussain, Rizvi, Adv.
for
Mr. Mukesh Kumar Maroria, Adv. [AOR]

Mr. Pawan Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Ms. Sharmila Upadhyay, Adv. [AOR]

Mr. Rabin Majumder, Adv. [AOR]

Mr. Abijhan Jha, Adv.
Mr. Mayank Pandey, Adv.

Ms. Swarupama Chaturvedi, Adv. [AOR]
Mr. B.N. Dubey, Adv.
Ms. Devika Gulati, Adv.

For Applicant (s) Mr. Ravindra Srivastava, Sr. Adv.
Mr. Shiv Sagar Tiwari, Adv. [AOR]

Mr. Jayant Bhushan, Sr. Adv.
Mr. Ramakant Rai, Adv.
Mr. Syed Jafar Alam, Adv. [AOR]
Ms. Mehak, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Ashwarya Sinha, AOR
Ms. Priyanka Sinha, Adv.
Mr. Srijan Sinha, Adv.
Ms. Alankrita Sinha, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ambhoj Kumar Sinha, AOR

Ms. Praveena Gautam, Adv. [AOR]
Mr. Jitesh P. Gupta, Adv.
Mr. Pawan Shukla, Adv.

Ms. Aparna Bhat, Adv. [AOR]
Ms. Joshita M. Pai, Adv.
Mr. Mayank Sapra, Adv.

Mr. Parag Tripathy, Sr. Adv.
Mr. Honey Satpal, Adv.

Mr. Tishampati Sen, AOR
Mr. Alok Shukla, AOR
Mr. Neeraj Kumar Gupta, AOR

Mr. T.N. Durga Prasad, Adv.
Mr. G. Natarajan, Adv., Adv.
Mr. Kaushik Choudhury, Adv.
Mr. Rachit Mittal, Adv.
for
Dr. Kailash Chand, Adv. [AOR]

Ms. Anne Mathew, AOR
Mr. Himanshu Shekhar, AOR
Mr. Amit Pawan, AOR
Ms. Rashmi Nandakumar, AOR
Ms. Anannya Ghosh, AOR
Mrs. Revathy Raghavan, AOR

Mr. Dharmendra Kumar Sinha, Adv. [AOR]
Mr. Raju Sonkar, Adv.
Mr. Umeshi B. Chaurasia, Adv.

Mr. Anand Prasad, Adv.
Mr. Sandeep Devashish Das, Adv. [AOR]
Mr. Ritesh Mukherjee, Adv.
Mr. Ankit Mangla, Adv.

Mr. Anivesh Bharadwaj, Adv.
Mr. A. Lakshmi Narayanan, Adv. [AOR]

Mr. Ajit Sharma, AOR
Mr. Ashwarya Sinha, AOR
Mr. Bijoy Kumar Jain, AOR

Mr. Varinder Kumar Sharma, Adv. [AOR]
Ms. Parul Sharma, Adv.
Mr. Yugal K. Prasad, Adv.
Mr. Mohd. Shahid Hussain, Adv.

Mrs. Madhavi Divan, Adv.
Ms. Nidhi Khanna, Adv.
Mr. Ayush Puri, Adv.
Mr. Syed Shahid Hussain Rizvi, Adv.
Mr. Harish V. Shanker, Adv.
for
Mrs. Anil Katiyar, Adv. [AOR]

Mrs. Taruna Singh Gohil, AOR
Mr. Amit Sharma, AOR
Mr. Naveen Kumar, AOR

Mrs. Mangaljit Mukherjee, Adv.
Mrs. De barpita Basu Mukherjee, Adv.
Mr. Sagnik Basu, Adv.
for
Mrs. Sarla Chandra, Adv. [AOR]

Mr. Arun K. Sinha, Adv. [AOR]
Mr. Rakesh Singh, Adv.

Ms. Prerna Mehta, Adv. [AOR]
Mr. Rohit Singh, Adv.

Mr. Sachin Patil, AOR
Mr. Partha Sil, AOR

Mr. Vaibhav Kulkarni, Adv.
Ms. Kavita Jha, Adv. [AOR]
Mr. Udit Naresh, Adv.

Mr. M. A. Krishna Moorthy, AOR
Mr. K. K. Mohan, AOR
Mr. Raj Kishor Choudhary, AOR

Mr. Yadav Narender Singh, Adv. [AOR]
Mr. Philip, Adv.
Mr. Arjun Sinha, Adv.
Mr. Rajiv K. Virmani, Adv.
Mr. Atul Malhotra, Adv.
Mr. Gaurav Jain, Adv.
Mr. Yadav Narender Singh, AOR

Mr. Ashok Mathur, AOR

Ms. Shashi Kiran, Adv. [AOR]
Ms. Usha Mishra, Adv.

Ms. Shashi Kiran-in-person

Mr. Anup Jain, Adv. [AOR]
Mr. Abhishek Baid, Adv.
Mr. Praneet Das, Adv.

Mr. Yatish Moha, Adv.
Ms. Pooja, Adv.
Mr. Ravi Shanker Jha, Adv.
Mr. Kedar Nath Tripathy, Adv. [AOR]

Mr. T. Harish Kumar, AOR
Mr. Talha Abdul Rahman, AOR
Mr. Abhijat P. Medh, AOR
Mr. Pradeep Kumar Bakshi, AOR
Ms. Madhusmita Bora, AOR
Mr. Ranjan Kumar Pandey, Adv. [AOR]
Mr. Sandeep bisht, Adv.
Mr. Aditya Dhar, Adv.
Mr. Anshumaan Bahadur, Adv.

Mr. Hitesh Kumar Sharma, Adv.
Mr. S.K. Rajora, Adv.
for
Mr. Praveen Swarup, Adv. [AOR]

Mr. Shekhar Kumar, AOR
Ms. Supriya Juneja, AOR

Mr. V. Sudeer, Adv.
Mr. M.B. Ramasubba Raju, Adv.
Ms. Megha Khanna, Adv.
Mr. Balaji Srinivasan, Adv. [AOR]

Mr. Anil Nag, Adv.
Mr. Arun Singh, Adv.
Mr. Abhishek Nag, Adv.
Mr. Prashant Kumar, Adv.
Mr. Sudhir Aggarwal, Adv.
Mr. Akshay K. Ghai, Adv.
Mr. Rajeev Kumar Bansal, Adv. [AOR]

Mr. Braj Kishore Mishra, Adv.
Ms. Aparna Jha, Adv.
Mr. Abhishek Yadav, Adv. [AOR]

Mr. Amarjit Singh Bedi, AOR

Mr. Raghavendra Mohan Bajaj, Adv.
Ms. Garima Bajaj, Adv. [AOR]

Ms. Tanya Shree, Adv.
Mr. Kunwar Aditya Singh, Adv.
Mr. Ejaz Maqbool, Adv. [AOR]

Mr. P. V. Dinesh, Adv. [AOR]
Ms. Sindhu T.P., Adv.
Mr. Abhisekh Thakur, Adv.
Mr. Bineesh K., Adv.
Mr. Rajendra Beniwal, Adv.
Ms. Arushi Singh, Adv.

Mr. Arjun Garg, Adv. [AOR]
Mr. Aakash Handolia, Adv.
Mr. M. Abdullah, Adv.

Mr. Urvi Kathiala, Adv.
Mr. Sarvam Ritam Khare, Adv. [AOR]
Ms. Shweta Chaurasia, Adv.

Mr. Md. Rashid Saeed, AOR

Ms. Manjeet Chawla, Adv. [AOR]

- 8 -

Ms. Aanchal Tikmani, Adv.
Ms. Liz Mathew, Adv. [AOR]

Ms. Sujeeta Srivastava, AOR
Mr. Kunal Cheema, AOR
Mr. Sudhir Naagar, AOR

Mrs. Gargi Khanna, Adv. [AOR]

Mrs. K. Enatoli Sema, Adv.
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.
Mr. A.H. Isaac Haiding, Adv.

Mr. Ajay Marwah, Adv.
Mr. Mool Singh, Adv.

Ms. Anshu Gupta, Adv.
Mr. Niraj Gupta, Adv.

Mr. Anand, Adv.
Mr. Subashis Biswas, Adv.
Mr. Abhijit Sengupta, Adv. [AOR]

Mr. Suchit Mohanty, Adv.
Mr. Shibashish Misra, Adv. [AOR]

Mr. Wajeeh Shafiq, Adv.
Mr. Dhairaj Kapoor, Adv.

Mr. Govind Jee, Adv.
Mr. Krishna Kumar Singh, Adv. [AOR]

Mr. Sunil Malhotra, Adv.
Mr. P.N. Puri, Adv. [AOR]
Mrs. Reeta Dewan Puri, Adv.
Mr. Abhishek Puri, Adv.

Mr. S.K. Bhattacharya, Adv.
Mr. L.K. Paonam, Adv.
Mr. Niraj Bobby Paonam, Adv.
Mrs. Tomthinnganbi Koijam, Adv.

Mr. Santosh K. Sethi, Adv.
Mr. Arjun Jadka, Adv. for
Dr. Kailash Chand, Adv. [AOR]

Mr. Mohit Chaudhary, Adv.
Ms. Puja Sharma, Adv.
Mr. Kunal Sachdeva, Adv.
Ms. Garima Sharma, Adv.
Mr. Balwinder Sing Suri, Adv.
Mr. Imran Ali, Adv.

Dr. Lalit Bhasin, Adv.
Ms. Palak Chadha, Adv.
Ms. Shireen Shukla, Adv.
Mr. Mudit Sharma, Adv. [AOR]

Ms. Ruchi Kohli, Adv.
Mr. Sonam Sharma, Adv.
Ms. Nidhi Jaswal, Adv.
Ms. Srisht Kaul, Adv.

Mr. Anivesh Bharadwaj, Adv.
Mr. C.S. Ashri, Adv. [AOR]

Mr. Rajesh Mahna, Adv.
Mr. R. Ramanand, Adv.
Mr. Bhargava V. Desai, Adv. [AOR]
Mr. Akshat Malpani, Adv.

Mr. B.A.S. Jadon, Adv.

Mr. Apoorv Shukla, Adv.
Mr. Kunal Cheema, Adv. [AOR]

Mr. Ravi Kishore, Adv.
Ms. Prerna Singh, Adv.
Mr. Guntur Prabhakar, Adv. [AOR]

Mr. Vikas Upadhyay, Adv.
Mr. Vidit Monga, Adv.

Mr. Diptansu Jain, Adv.
Mr. Rajesh P., Adv. [AOR]

Mr. Vinay K. Parhiyar, Adv.
Mr. Binay K. Das, Adv.

Mr. Syed Rehan, Adv.
Mr. Md. Shahid Anwar, Adv.

- 10 -

Mr. S.S. Ray, Adv.
Mr. Vaibhav Gulia, Adv.
Mrs. Rakhi Ray, Adv.

Mr. Shashank Manish, Adv.
Mr. Shashank Shekhar Singh, Adv. [AOR]

Mr. Yunus Malik, Adv.
Ms. Renu Verma, Adv.
Ms. Farha Malik, Adv.
Mr. Samir Mali, Adv. [AOR]

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

W.P.(C)No.744 of 2017 etc.

In pursuance of our earlier order dated 21.03.2018, respondent no.4 – Jai Prakash Associates Ltd. (JAL) has deposited the first instalment of Rs. 100 crores before the Registry of this Court. As per the said order, it is required to deposit the second instalment of Rs.100 crores by Thursday, 10th May 2018. Let the amount be deposited on or before that day.

Matter be listed on Friday, 11th May 2018 for passing further directions with regard to deposit.

That apart, as indicated in the said order, the IRP will be at liberty to finalise the resolution plan in terms of para (e) and (f) of the earlier order.

M/s. JAL is at liberty to submit a representation to the competent authority. The representation shall be considered in accordance with law. We specifically make it clear that we have not expressed any opinion on that score.

The time granted to Mr. Pawan Shree Agrawal, learned amicus curiae to prepare a projectwise chart, as indicated in the previous order dated 21st March 2018, is extended till the next date of hearing.

I.A.No.95464 of 2017 in W.P.(C)No.744 of 2017

This I.A. has been filed for grant of permission to Mr. Pankaj Gaur, Joint Managing Director of JAL, to travel to Bhutan and Nepal on multiple occasions between a period of three months.

The prayer stands allowed in terms of additional affidavit being I.A.No.95464 of 2017.

I.A.No.45331 of 2018 in SLP(C)No.24001 of 2017

This I.A. has been filed seeking permission on behalf of Mr. Sunny Gaur, Managing Director, JAL - the applicant - to travel to United Kingdom between 14th April 2018 and 30th April 2018.

An additional affidavit has been filed in the said I.A. wherein the applicant has sought to re-schedule the dates of his travel to U.K. He now intends to travel to U.K. between 30th April 2018 and 23rd May 2018.

Prayer, in terms of the additional affidavit, stands allowed.

Needless to say, if the amount, as directed, is not deposited within the time granted, steps shall be taken to attach the personal properties of those directors.

The amount, if any, already deposited and lying with the Registry may be invested in a short term fixed deposit with a nationalised bank.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar