

ITEM NO.3 + 5 + 6

COURT NO.11

SECTION X

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

Writ Petition(s)(Civil) No(s). 321/2018

SWASTIK COAL CORPORATION PRIVATE LIMITED & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 52895/2018-APPROPRIATE ORDERS/DIRECTIONS and IA 57608/2018-INTERVENTION/IMPLEADMENT and IA 68041/2018-FOR IMPLEADMENT and IA 57615/2018-PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS.)

W.P. (C) No. 99/2018

(IA NO. 64870/2018-SEEKING AMENDMENT OF THE MEMO and IA NO. 68133/2018-FOR INTERVENTION and IA No. 35751/2018-URGENT HEARING)

W.P. (C) No. 100/2018

(IA No. 35757/2018-URGENT HEARING)

W.P. (C) No. 115/2018 and

W.P. (C) No. 459/2018

Date : 09-05-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

WP(C) No. 321/2018

Mr. Shyam Diwan, Sr. Adv.
Mr. Dhaval Vassunji, Adv.
Ms. Nimoy Dave, Adv.
Mr. Senthil Jagadeesan, AOR
Mr. Anirudh Wadhwa, Adv.
Mr. Aditya Wadhwa, Adv.
Ms. Divyata Badiani, Adv.
Mr. S. Abhishek Iyer, Adv.
Mr. Akash Jauhari, Adv.
Mr. Keshav Gulati, Adv.
Mr. Raj Mohan Gupta, Adv.
Mr. Govind Manoharan, Adv.

WP (C) No. 99/2018 &

WP (C) No. 100/2018

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Arvind P. Datar, Sr. Adv.
Mr. Udit Gupta, Adv.
Mr. Vishwas Shah, Adv.
Mr. Masoom Shah, Adv.
Mr. Anup Jain, Adv.
For M/s Udit Kishan and Associates, AOR

WP (C) No. 115/2018

Mr. Vikas Singh, Sr. Adv.
 Ms. Purti Marwaha Gupta, Adv.
 Ms. Henna George, Adv.
 Mr. A. Venayagam Balan, AOR
 Ms. V.S. Lakshmi, Adv.

WP (C) No. 459/2018

Mr. Sandeep Sudhakar Deshmukh, AOR
 Mr. Ragha vendra Tripathi, Adv.

For Respondent(s)

Mr. K.K. Venugopal, A.G.
 Mr. Vikramjeet Benerjee, A.S.G.
 Ms. Madhvi Diwan, Adv.
 Mr. S.S. Shamsbery, Adv.
 Ms. Haripriya Padmanabhan, Adv.
 Ms. Anil Katiyar, AOR
 Ms. Shraddha Deshmukh, Adv.

Mr. Vikramjeet Banerjee, A.S.G.
 Ms. Shruti Agarwala, Adv.
 Mr. Shubhendu Anand, Adv.
 Mr. Ayush Anand, Adv.
 Mr. M.K. Maroria, AOR

Mr. K.K. Venugopal, A.G.
 Mr. R. Bala Subramanian, Adv.
 Ms. Aarti Sharma, Adv.
 Mr. Santosh Kumar Vishwakarma, Adv.
 Mr. Akshay Amritanshu, Adv.
 Mr. G.S. Makkar, AOR

Mr. Raju Ramchandran, Sr. Adv.
 Mr. D.P. Mohanty, Adv.
 Mr. Sumit Goel, Adv.
 Mr. Prashant P., Adv.
 Mr. Akash Jindal, Adv.
 Mr. Abhiram Naik, Adv.
 M/S. Parekh & Co., AOR

Mr. C.U. Singh, Sr. Adv.
 Mr. P.S. Sudheer, AOR
 Mr. Rishi Maheshwari, Adv.
 Mr. Bharat Sood, Adv.
 Ms. Shruti Jose, Adv.

Mr. Tushar Mehta, A.S.G.
 Ms. Swarupama Chaturvedi, AOR
 Mr. B.N. Dubey, Adv.
 Ms. Devika Gulati, Adv.

(I.A. No.68041/2018
 -for impleadment)

Mr. Tushar Mehta, A.S.G.
 Mr. Sumeet Batra, Adv.
 Mr. R. Sudhinder, Adv.
 Mr. Ashok Mathur, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Mukesh Butani, Adv.
Mr. Karan Lahiri, Adv.
Mr. Shreyash Shah, Adv.
Mr. Manu Nair, Adv.
Ms. Nisha, Adv.
Mr. Siddhant Kant, Adv.
Mr. Ranjeev Khatana, Adv.
Mr. S.S. Shroff, AOR

(I.A. No. 68133/2018-
for Intervention)

Ms. Vibha Dutta Makhija, Sr. Adv.
Ms. D. Geeta, Adv.
Ms. Namrata Malik, Adv.
Mr. D.K. Devesh, AOR

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

Issue notice in all the writ petitions. Dasti, in addition, is also permitted.

In view of the objections taken by Mr. Arvind P. Datar in, Writ Petition (C) Nos. 99/2018 and 100/2018, without expressing any opinion on the merits of the case, we request the President, National Company Law Tribunal to transfer both the matters to a Bench which consists of one Judicial and one Technical member.

I.A. No. 64870 of 2018 in Writ Petition (C) No. 99 of 2018 for amendment is allowed. Amended petition be filed within a period of two weeks.

I.A. No. 68041 of 2018 in Writ Petition (C) No. 321 of 2018 for impleading Committee of Creditors of Binani Cement Ltd. is allowed. I.A. No. 68133 of 2018 in Writ Petition (C) No. 99 of 2018 for intervention is also allowed.

Shri Vikas Singh, learned senior counsel appearing on behalf of the petitioner in Writ Petition (C) No. 115 of 2018 requests for copy of the Resolution Plan(s) to be supplied to the Corporate Debtors/Stake holders. On this, Shri K.K. Venugopal, learned Attorney General for India very fairly submits that the Plan(s) will be handed over within a period of two weeks. Let the same be given.

Counter affidavit be filed within a period of four weeks. Rejoinder be filed within a period of four weeks, thereafter.

List on Wednesday, the 18th July, 2018.

(SUSHIL KUMAR RAKHEJA)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER