
(2014) 12 SC CK 0096

In the Supreme Court Of India

Case No : I.A. Nos. 13, 19, 20-31 in Writ Petition (Civil) No. 463/2012, W.P. (C) Nos. 515 of 2012 and 283 of 2013 and CrImp. Nos. 24056-24063/2014 and 24134/2014 in W.P. (Crl.) No. 120/2012

Common Cause and Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 08-12-2014

Acts Referred:

Citation : (2015) 2 SCALE 234

Hon'ble Judges : Madan B. Lokur, J;Kurian Joseph, J;Arjan Kumar Sikri, J

Bench : Full Bench

Advocate : Vikas Singh, Sr. Advocate, Chandra Prakash, Deepeika Kalia, Kapish Seth, Prashant Bhushan, Pranav Sachdeva, Manohar Lal Sharma, Suman, Vipin Saxena, Advocates ., Mukul Rohtagi, AG., Abhinav Mukherjee, Gaurav Sharma, Meenakshi Grover, D.S. Mahra, Menaka Guruswamy, Vivek Paul Oriel, Binu Tamta, Sushma Suri, Advocates ., Rajeev Dhawan, Sr. Advocate, Anitha Shenoy, Rasmi Nanda Kumar, Anip Sachthey, Mohit Paul, Shagun Matta, Saakaar Sardana, Advocates ., Ajit Kumar Sinha, Sr. Advocate, Devashish Bharuka, Jain Sehgal, Advocates ., C.D. Singh, AAG., Apoorv Kurup, Sakshi Kakkar, V.C. Shukla, Rohit Rathi, Mahesh Agarwal, Rishi Agrawala, E.C. Agrawala, Kirti R. Mishra, Advocates ., Amarendra Saran, Sr. Advocate, Amit Anand Tiwari, Sanchit Guru, Ashutosh Jha, Avinash Tripathi, Raghwendra Tiwari, Advocates ., Rajiv Dhavan, Sr. Advocate, Shikher Srivastava, Aditya Ganju, Sanjeev K. Kapoor, Advocates ., A.M. Singhvi, K.V. Vishwanathan, Sr. Advocates ., Abhijeet Sinha, Sadapurna Mukharjee, Shally Bhasin, Satyajit A. Desai, Anagha S. Desai, S. Udaya Kumar Sagar, Krishna Kumar Singh, Advocates ., Ranjit Kumar, SG., R.P. Bhat, Sr. Advocate, Rahul Kaushik, Rajiv Nayar, Parul Shukla and Sheltan Bajaj, Advocates for the Appellant

Final Decision : Disposed Of

Judgement

The Central Bureau of Investigation (CBI) has filed a note on administrative issues.

1. The first issue relates to the extension of the deputation tenure of Shri Bodh

Raj, Inspector and Shri J.R. Katiyar, Inspector. It is stated that their services are required in the CBI but the CISF has expressed its inability in granting an extension of the deputation tenure of these officers.

We are of the opinion that in view of the advance stage of investigations and the requirement of public interest, the extension of deputation tenure of these two officers in the CBI should continue until further orders.

The CISF may be informed accordingly by the Director, CBI of the contents of this order.

2. The second issue is about the disassociation of a Deputy Superintendent of Police with the CBI.

It is stated that his request for transfer on compassionate grounds may be considered particularly since the assignment entrusted to him has since been completed.

No replacement is required by the CBI.

Accordingly, since the request is reasonable, it is acceded to, as prayed.

3. The third issue is with regard to the replacement of an officer of the rank of Deputy Superintendent of Police. Having considered the material on record, we are of the view that the request is reasonable and is accordingly acceded to, as prayed.

4. The last issue is with regard to the replacement of the Additional Legal Advisor who has since retired. We are of the view that the request is reasonable and is accordingly acceded to, as prayed.

This disposes of the administrative issues raised by the CBI.

It is submitted by Mr. Amarendra Saran, learned senior counsel, that the Special Public Prosecutor Mr. R.S. Cheema, Senior Advocate, does not have any adequate space in the Patiala House Courts where the matters are being considered by the Special Judge.

We request the Chief Justice of the High Court of Delhi to take up the matter with the concerned District Judge so that adequate office space is provided to Mr. R.S. Cheema, Senior Advocate and Special Public Prosecutor, so that he is in a position to attend to the matters without any difficulty.

I.A. No. 11 (For impleadment by Tata Steel Ltd.)

No one appears on behalf of the applicant.

The application is dismissed.

I.A. No. 12 (For impleadment by M/s. OCL Ltd.)

No one appears on behalf of the applicant.

The application is dismissed.

I.A. No. 14 (For impleadment by Odisha Power Generation Corporation Ltd.)

No one appears on behalf of the applicant.

The application is dismissed.

I.A. No. 15 (For impleadment by M/s. Tata Sponge Iron Ltd.)

No one appears on behalf of the applicant.

The application is dismissed.

I.A. No. 16 (For impleadment by D.B. Power Ltd.)

No one appears on behalf of the applicant.

The application is dismissed.

I.A. No. 17 (For impleadment by M/s. Rathi Steel & Power Ltd.)

No one appears on behalf of the applicant.

The application is dismissed.

I.A. No. 18 (For impleadment by Prism Cement Ltd.)

No one appears on behalf of the applicant.

The application is dismissed.

I.A. No. 24 (For impleadment by Monnet Ispat & Energy Ltd.)

No one appears on behalf of the applicant.

The application is dismissed.

I.A. No. 20, 21, 22, 23 and Crl. M.P. No. 24063 (By BLA Industries Pvt. Ltd.)

Learned Counsel for the applicant would like to place additional documents on record. Leave granted.

The matters stand adjourned to 16.12.2014 at 2 p.m.

I.A. Nos. 25, 26 and 29

These application pertain to underground mines and payment of Rs. 295/- per metric tonne of coal extracted by them.

We have heard learned Attorney General as well as learned Counsel for the parties. There is no merit in these applications.

The applications are dismissed.

I.A. No. 27, 28, 31 and Crl. M.P. Nos. 24056, 24057, 24058, 24059 and 24060

The applications are for excluding some coal blocks from the operation of the

judgment of this Court. The applications have no merit and are dismissed.

Crl. M.P. No. 24134

The application is dismissed.

I.A. No. 13

We have perused the appraisal report of the Income Tax department handed over by learned Attorney General on the last date of hearing.

We close the matter. No further orders are required on the appraisal reports.

The reports have been returned to the learned Attorney General in the Court.

List I.A. No. 13 on 12.01.2015 at 2 p.m.

W.P. (Crl.) No. 120 of 2012

The status report has been filed by the CBI with regard to PE2/12 (pertaining to the period 2006-2009).

Inquiry has been completed in respect of 166 out of 168 companies. 27 regular cases have been registered and where the cases have not been registered, the files have been sent to the CVC.

It is stated that the Special Judge has required further investigation/progress report in five cases and the progress report will be submitted to the Special Judge on the date fixed.

In regard to seven cases, orders of this Court are required. The orders as solicited in the progress report are granted to the CBI.

With regard to PE4 (for the period from 1993 to 2005), this deals with 43 coal blocks allocations.

In earlier reports, the CBI had stated that investigations with regard to 33 coal blocks have been completed and 10 are pending.

Presently, it is stated that out of 10 which are pending, RCs have been filed in two cases and one RC is under preparation.

Four cases have been closed and the files have been submitted to the CVC for consideration. Three more cases are being inquired into.

It is stated that investigations will be closed in some of the cases by 31.01.2015 and in other cases by 31.03.2015.

We expect the CBI to stick to the date mentioned in the status report.

PE6 (Missing files and documents relating to PE4/12).

It is stated that a detailed report is being prepared and will be submitted to the CVC.

PE5 (Allocation of coal blocks through the Government dispensation route)

It is stated in the status report that inquiry in respect of two coal blocks namely Naini jointly allocated to Gujarat Mineral Development Corporation and Pondicherry Industrial Development Corporation and Morga-II allocated to Gujarat Mineral Development Corporation cannot be completed for want of documents from the Government of Gujarat.

It is stated that despite repeated written and oral reminders, the documents have not been provided so far by the Government of Gujarat.

A direction is issued to the Chief Secretary of the Government of Gujarat to cooperate with the CBI in the investigations. We expect the Chief Secretary and the Government of Gujarat to comply with the requisition made by the CBI without further delay.

W.P. (C) No. 463 of 2012

We have gone through the status of the investigations filed by the Directorate of Enforcement from 01.07.2014 to 31.08.2014 (4th report) and for the period from 01.09.2014 to 03.12.2014 (5th report). We find, on a perusal of the report, that the Directorate of Enforcement have not been provided some information by the CBI from 02.06.2014 onwards.

We expect the CBI to render effective assistance to the Directorate of Enforcement and furnish the information and documents as requested.

We also find on a perusal of the 5th report that some paragraphs are vague and up-to-date information has not been furnished in the status report. The status report filed before this Court should be meticulously examined before it is filed and up-to-date information should be given.

Finally, summons issued to persons whose statements are to be recorded should be followed up by the Directorate of Enforcement diligently.

Note on further progress should be filed by the CBI as well as by the Directorate of Enforcement by 05.02.2015.

List the matter on 09.02.2015 at 2 p.m.