

(2016) 07 SC CK 0105

In the Supreme Court Of India

Case No : Writ Petition No. 463 of 2012

Common Cause & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 12-07-2016

Acts Referred:

Constitution of India, 1950 — Article 32

Citation : (2016) 6 Scale 818

Hon'ble Judges : Madan B. Lokur, Kurian Joseph and A.K. Sikri, JJ.

Bench : Full Bench

Advocate : Mr. Prashant Bhushan, AOR and Mr. Pranav Sachdeva, Advocate, for the Appellant; Mr. Mukul Rohatgi, AG, Mr. Ajay Sharma, Mr. Gaurav Sharma, Ms. Diksha Rai, Ms. Binu Tamta and Mr. M.K. Marora, Advocates, Mr. D.S. Mahra, AOR, Mr. A. Sharan, Sr. Advocate, Mr. Amit Anand Tiwari, AOR, Mr. Sanchit Guru and Mr. Pushpendra Singh Advocates, Mr. R.S. Cheema, Sr. Advocate, Ms. Tarannum Cheema and Mr. Harinder Singh Bains, Advocates, Mr. Vikas Singh, Sr. Advocate, Ms. Deepeika Kalia, Mr. Kapish Seth and Ms. Shilpi Singh, Advocates, Mr. Chandra Prakash, AOR, Mr. Tapeshe Kumar Singh, Mohd. Waquas, Advocates, Ms. Hemantika Wahni, Mr. Amarjit Singh Bedi, Mr. Braj Kishore Mishra, Mr. Devashish Bharuka, Mr. Dinesh Kumar Garg, Mr. D. Mahesh Babu, Mr. E.C. Agrawala, Mr. Mishra Saurabh, Mr. Parijat Sinha, Mr. Ramendra Mohan Patnaik, Mrs. Kirti Renu Mishra, Mrs. Shally Bhasin, Mr. V. Shyamohan, Ms. Aparna Jha, Ms. Binu Tamta, AOR, M/s. Dua Associates (NP), Ms. Kamini Jaiswal, AOR, M/s. Karanjawala & Co. (NP) and M/s. Khaitan & Co. (NP), for the Respondent

Final Decision : Allowed

Judgement

I.A. No.13

1. We have heard the submissions of learned Attorney General and other learned counsel including Mr. Vikas Singh, learned senior counsel on the issue of further steps to be taken on the report given by the Committee headed by Mr. M.L. Sharma, former Special Director, CBI.

2. Orders reserved.

Note on Administrative Issue dated 04.05.2016

3. We have gone through the Administrative Note given by the CBI dated 4th May, 2016.

4. It is clarified that contrary to what is stated in paragraph 3 of the Note, the reports that have been submitted by the Central Vigilance Commission have not been approved by this Court, but have only been accepted for taken on record and nothing more.

5. As far as the prayer made by the CBI is concerned, the Director CBI will take a decision on case by case basis whether any particular file is to be disclosed to the Internal Vigilance of the CBI on the complaint relating to the conduct of any specific officer.

6. This disposes of the Administrative Note.

Observations of the CVC dated 27.07.2015

7. We have gone through the observations of the Central Vigilance Commission in the Note dated 27th July, 2015.

8. The report of the CBI and the CVC indicates that the enquiry into the missing files does not indicate any criminality. Accordingly, the CVC is of the view that the matter may be allowed to rest.

9. However, certain observations have been made with regard to corrective action that is required to be taken for making systemic improvements in the file record management in the Ministry of Coal. The suggestions that have been made both by the CBI and the CVC in this regard should be communicated expeditiously to the Ministry of Coal for better and proper management of files.

10. List for compliance on 2nd August, 2016 at 2.00 p.m.

Observations of the CVC dated 03.09.2015

11. We have gone through the observations of the Vigilance Commissioners in the Central Vigilance Commission in the Note dated 3rd September, 2015.

12. The observations made are taken on record. We may note that the Vigilance Commissioners have accepted the unanimous recommendation of the CBI that the subject matter of the observations may be allowed to rest.

13. However, as regards the self-contained note, the Vigilance Commissioners are of the view that the CBI may proceed as recommended. Accordingly, the CBI is directed to proceed in accordance with the self-contained note which may be sent to the Ministry of Coal and the Government of West Bengal.

14. List for compliance on 2nd August, 2016 at 2.00 p.m.

Observations of the CVC dated 28.01.2016

15. We have gone through the observations of the Central Vigilance Commission in the Note dated 28th January, 2016 relating to acceptance of the unanimous view of the CBI to close the cases pertaining to three coal blocks.

16. The view of the CVC is taken on record.

17. However, it has been noted that there have been irregularities in execution of the contract pertaining to Arunachal Pradesh Mineral Development Corporation. These irregularities should be communicated to the concerned State Government.

18. List for compliance on 2nd August, 2016 at 2.00 p.m.

Observations of the CVC dated 23.02.2016

19. We have gone through the observations of the CVC in the Note dated 23rd February, 2016.

20. There seems to be a difference of opinion with regard to further steps to be taken in respect of the case that was considered by the CVC. The CVC is of the opinion that the matter should be left for decision by this Court. We are not inclined to take a decision in the matter, but would request Mr. R.S. Cheema, Special Public Prosecutor to look into the matter and advise us accordingly.

21. The necessary papers may be handed over to Mr. Cheema by the CBI or the CVC as the case may be.

22. Mr. Cheema will give his views within six weeks. This Note of the CVC be listed on 7th September, 2016 at 2.00 p.m.

Observations of the CVC dated 02.03.2016

23. We have gone through the observations of the CVC in the Note dated 2nd March, 2016.

24. The CVC has endorsed the view of the CBI that there is no irregularity in the allocation of the coal blocks which is the subject matter of the Note.

25. However, a self-contained note should be sent by the CBI to the Government of Pondicherry bringing out the irregularities noticed in the agreement entered by Pondicherry Industrial Promotion Development and Investment Corporation Ltd. with M/s. J.R. Power Gen, as noted by the CVC.

26. List for compliance on 2nd August, 2016 at 2.00 p.m.

Observations of the CVC dated 07.04.2016

27. We have gone through the observations of the CVC in the Note dated 7th April, 2016.

28. The CVC has accepted the view of the CBI that in the coal to liquid projects, no irregularity has been found.

29. Accordingly, the observations of the CVC are taken on record. No further

orders are required to be passed on this Note.

30. For considering, 9th Status/Progress Report and Bird's eye view of investigation filed by the Directorate of Enforcement and Progress Report Nos.15 and 16 filed by the CBI, list the matter on 2nd August, 2016 at 2.00 p.m.