

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

Original Suit (s). No(s). 3/2020

STATE OF RAJASTHAN

Plaintiff(s)/
Petitioner(s)

VERSUS

UNION OF INDIA

Defendant(s)/
Respondent(s)

(IA No. 50174/2020 - EX-PARTE STAY)

Date : 10-10-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Dr. Manish Singhvi, Sr. Adv.
Mr. Sandeep Kumar Jha, AOR
Ms. Shubhangi Agarwal, Adv.

For Respondent(s)

Mrs. Aishwarya Bhati, A.S.G.
Ms. Shivika Mehra, Adv.
Mr. Rajat Nair, Adv.
Mr. Ankur Talwar, Adv.
Mr. Annirudh Sharma Ii, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Arvind Kumar Sharma, AOR

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

Heard the learned senior counsel appearing on behalf
of the plaintiff-State and the learned Additional
Solicitor General appearing on behalf of the defendant-
Union of India.

According to us, the following issues arise for consideration in the present suit:

(i) whether the suit is maintainable?

(ii) whether the plaintiff proves that the exclusion of Chief Minister's Relief Fund or State Relief Fund for Covid-19 from Schedule VII of the Companies Act, 2013 is arbitrary and discriminatory on the ground that Schedule VII allows Prime Minister Cares Fund for Covid-19 as Corporate Social Responsibility (CSR)?

(iii) whether the plaintiff proves that the effect of Circular dated 23rd March, 2020 is that the contributions made to Rajasthan CMRF Covid-19 Mitigation Fund also get the benefit of CSR along with Prime Minister Cares Fund?

(iv) whether the plaintiff proves that answer to Frequently Asked Question (FAQ) No.2 in General Circular No.15 of 2020 (F.No.CSR-01/4/2020-CSR-MCA) dated 10th April, 2020 is *ultra vires* the Constitution of India and the Companies Act, 2013?

(v) whether the plaintiff proves that the Office Memorandum dated 28th March, 2020 issued by the Ministry of Corporate Affairs, Government of India is discriminatory being violative of Article 14 of the Constitution of India; and

(vi) what decree and order?

We direct that the suit shall be listed before the appropriate Registrar for recording admission and denial of the documents.

We permit the parties to file documents relied upon within a period of two weeks from today.

The Registrar to complete the exercise by the end of November, 2023.

List on 5th December, 2023 for directions for fixing the schedule of hearing.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER