

2023 LiveLaw (SC) 182

IN THE SUPREME COURT OF INDIA

B.R. GAVAI; J., VIKRAM NATH; J.

Civil Appeal No(s). 5132/2021; 13-03-2023

ORRIS INFRASTRUCTURE PRIVATE LIMITED versus MANOJ AGGARWAL & ORS.

Supreme Court Practice and Procedure - If a particular bench in a particular situation finds that a matter needs to be placed before another bench, it is required to direct the matter to be placed before the Chief Justice for obtaining appropriate orders.

Supreme Court Practice and Procedure - It is a normal practice of this Court that the matter follows a judge who is part of the Bench which has passed an effective order.

For parties: Mr. Shyam Divan, Sr. Adv. (NP) Mr. Mukul Rohatagi, Sr. Adv. Ms. Malvika Trivedi, Sr. Adv. Ms. Aakanksha Kaul, Adv. Ms. Jyoti Taneja, Adv. Ms. Sakshi Arora, Adv. Ms. Misha Rohtagi, Adv. Mr. Gautam Awasthi, AOR Mr. Rajat Singh, AOR Mr. Amit Singh Chauhan, Adv. Mr. Salman Khurshid, Adv. Mr. Piyush Singh, Adv. Mr. Aditya Parolia, Adv. Mr. Akshay Srivastava, Adv. Ms. Priyal Sarawani Mr. Prageet Rathi, Adv. Mr. Harshit Sethi, Adv. Mr. Nikilesh Ramachandran, AOR

ORDER

1. It is a normal practice of this Court that the matter follows a judge who is part of the Bench which has passed an effective order.
2. In the present proceedings, the only effective order that has been passed is on 27.09.2021, of issuance of notice.
3. The said order has been passed by the Bench consisting of Hon'ble Mr. Justice A.M.Khanwilkar (Retired) and Hon'ble Mr. Justice C.T. Ravikumar.
4. After the retirement of Hon'ble Mr. Justice A.M.Khanwilkar, the matter followed the Bench in which Hon'ble Mr. Justice C.T. Ravikumar was one of the members.
5. As such, the matter was listed before the Bench presided by one of us (Hon'ble Mr. Justice B.R.Gavai) on 14.09.2022 as Hon'ble Mr. Justice C.T. Ravikumar was part of that Bench. No effective order was passed on the said date.
6. When the matter was listed before the Bench Presided by Hon'ble Mr. Justice M.R. Shah sitting with Hon'ble Mr. Justice C.T. Ravikumar on 27.02.2023, the Bench passed the following order: -
"Let the present application be placed before a Bench presided over by Justice B. R. Gavai, at the earliest."
7. Ordinarily, the matter(s) pertaining to placing the matter(s) before the Benches are to be passed by Hon'ble the Chief Justice of India.
8. If the particular Bench in particular situation finds that the matter be placed before the another Bench, the Bench is required to direct the matter to be placed before the Hon'ble the Chief Justice of India for obtaining appropriate Orders.
9. As already stated hereinabove, since an effective order has been passed by the Bench of which Hon'ble Mr. Justice C.T. Ravikumar is a member, the matter should have followed the Bench of which he is a Member.
10. In that view, we find it appropriate to direct the Registry to place the matter before the Hon'ble the Chief Justice of India for obtaining appropriate orders.