

ITEM NO.24

COURT NO.1

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).1077/2023

JAYANT PATIL

Petitioner(s)

VERSUS

THE SPEAKER MAHARASHTRA STATE LEGISLATIVE ASSEMBLY Respondent(s)

(FOR ADMISSION and IA No.199789/2023-EXEMPTION FROM FILING O.T.)

WITH

W.P.(C) No. 685/2023 (X)

(FOR ADMISSION, IA No. 205221/2023 - APPROPRIATE ORDERS/DIRECTIONS,
IA No. 145688/2023 - INTERVENTION APPLICATION, IA No. 145456/2023 -
INTERVENTION APPLICATION, IA No. 147986/2023 -
INTERVENTION/IMPLEADMENT, IA No. 192821/2023 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 190001/2023 -
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-10-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Devadatt Kamat, Sr. Adv.
Mr. Rohit Sharma, Adv.
Mr. Pranjal Agarwal, Adv.
Mr. Nishanth Patil, Adv.
Mr. Nikhil Purohit, Adv.
Mr. Jatin Lalwani, Adv.
Ms. Aparjita Jamwal, Adv.
Mr. Abhik Chimni, Adv.
Mr. Harsh Pandey, Adv.
Mr. Revanta Solanki, Adv.
Mr. Anubhav Kumar, Adv.
Mr. Muhammad Khan, Adv.
Mr. Uday Bhatia, Adv.
Mr. Amit Bhandari, Adv.
Ms. Pooja Singh, Adv.
Mr. Kumar Dushyant Singh, AOR

Mr. Kapil Sibal, Sr. Adv.
Mr. Devadatt Kamat, Sr. Adv.
Mr. Rohit Sharma, Adv.
Mr. Nishanth Patil, Adv.

Mr. Sunny Jain, Adv.
 Mr. Nizam Pasha, Adv.
 Mr. Amit Bhandari, Adv.
 Mr. Javedur Rahman, Adv.
 Mr. Rajesh Inamdar, Adv.
 Mr. Nikhil Purohit, Adv.
 Mr. Jatin Lalwani, Adv.
 Ms. Aprajita Jamwal, Adv.
 Mr. Harsh Pandey, Adv.
 Mr. Revanta Solanki, Adv.
 Mr. Anubhav Kumar, Adv.
 Mr. Nishanth Patil, AOR

For Respondent(s)

Mr. Tushar Mehta, SG
 Mr. Amjith Mavilattu Anandhan, Adv.
 Mr. Madhav Sinhal, Adv.
 Mr. Kanu Agrawal, AOR
 Mr. Sachin Pawar, Adv.

Mr. Nishit Agrawal, AOR
 Ms. Devanshi Popat, Adv.
 Mr. Keshav Sehgal, Adv.
 Ms. Kanishka Mittal, Adv.

Mr. C.A. Sundaram, Sr. Adv.
 Mr. Chirag J. Shah, Adv.
 Mr. Piyush Tiwari, Adv.
 Ms. Nandini Acharya, Adv.
 Ms. Shivani Bhusan, Adv.
 Mr. Ashish Yadav, Adv.
 Mr. Aviral Kapoor, Adv.
 Ms. Sonal Alagh, Adv.
 Mr. Rishabh Kapoor, Adv.
 Ms. Pratima Ajmera, Adv.
 Mr. Nivesh Kumar, AOR

Mr. Maninder Singh, Sr. Adv.
 Mr. Siddhartha Dave, Sr. Adv.
 Mr. Utsav Trivedi, Adv.
 Mr. Himanshu Sachdeva, Adv.
 Ms. Manini Roy, Adv.
 Ms. Diksha Tyagi, Adv.
 Ms. Arushi Singh, Adv.
 Mr. Arpit Gupta, AOR
 Mr. Girish Bhardwaj, Adv.
 Mr. Sachin Mintri, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.
 Mr. Maninder Singh, Sr. Adv.
 Mr. Siddharth Bhatnagar, Sr. Adv.
 Mr. Abhikalp Pratap Singh, AOR
 Mr. Shrirang Verma, Adv.

Ms. Yamini Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Dhruv Sharma, Adv.
Ms. Ira Mahajan, Adv.
Ms. Pracheta Kar, Adv.
Mr. Aditya Sidhra, Adv.
Ms. Aadya Yadav, Adv.
Mr. Nadeem Afroz, Adv.
Mr. Ajay Sabharwal, Adv.

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

- 1 During the course of the hearing, counsel appeared on behalf of diverse contesting parties, including Mr Kapil Sibal, Mr C A Sundaram, Mr Neeraj Kishan Kaul, Mr Siddhartha Dave and Mr Maninder Singh, senior counsel, on the one hand, and Mr Tushar Mehta, Solicitor General, on the other.
- 2 From the facts which have emerged before the Court, broadly the sequence of events in regard to the filing of disqualification petitions under the Tenth Schedule appears to be as follows:
 - (i) The first set of disqualification petitions (pertaining to 16 MLAs) was filed on 23 June 2023 under paragraph 2(1)(a) of the Tenth Schedule;
 - (ii) This was followed by petitions on 27 June 2022 (covering 3 independent MLAs and 22 MLAs) under paragraph 2(1)(a) of the Tenth Schedule;
 - (iii) On 3 July 2022, 39 MLAs were alleged to have breached under paragraph 2(1)(b) of the Tenth Schedule; and
 - (iv) On 5 July 2022, petitions were filed in relation to 39 MLAs under paragraph 2(1)(b) of the Tenth Schedule.

3 The second group of petitions relate to the period between July and September 2023:

(i) 12 July 2023 – a first petition (covering 9 MLAs) was filed;

(ii) 5 September 2023 – a second petition (covering 20 MLAs) was filed; and

(iii) 7 September 2023 – a third petition (covering 12 MLAs) was filed.

4 Certain other petitions are pending.

5 The narration of facts indicates that the first batch of petitions is pending since June and July 2022. The judgment of the Constitution Bench was delivered on 11 May 2023. The disqualification petitions have to be adjudicated upon with all expedition. Otherwise very purpose of the Tenth Schedule shall stand defeated.

6 We are not satisfied with the time schedule which has been indicated before this Court previously. The time schedule as proposed will not result in a foreseeable conclusion of the disqualification petitions at a reasonably early date.

7 Mr Tushar Mehta has apprised the Court that during the course of ensuing recess over the Dussehra break, he will personally engage with the Speaker of the Maharashtra Legislative Assembly so as to indicate a firm set of modalities to ensure the early conclusion of the hearing of the disqualification petitions.

8 Before this Court issues peremptory directions for compliance with a time schedule for disposal, we grant a final opportunity to prescribe a realistic time schedule for the disposal of the disqualification petitions, particularly, in view of the assurance which has been given to the Court by the Solicitor General.

- 9 List the proceedings on 30 October 2023, immediately after the reopening of the Court after the ensuing short break.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR