

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

Writ Petition (Civil) No. 180/2022

NATIONAL COMPANY LAW TRIBUNAL BAR ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

([ONLY I.A NO. 67915/2022 STAY APPLICATION IS LISTED])

Date : 20-06-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE SUDHANSHU DHULIA
(VACATION BENCH)

For Petitioner(s)

Mr. U.K. Chaudhary, Sr. Adv.
Mr. P. Nagesh, Sr. Adv.
Mr. Sanjiv Sen, Sr. Adv.
Mr. Saurabh Kalia, Adv.
Mr. Sameer Choudhary, Adv.
Mr. G. P. Madaan, Adv.
Mr. Shikhil Suri, Adv.
Mr. Viksit Arora, Adv.
Mr. Puneet Bindra, Adv.
Mr. Mansumyer Singh, Adv.
Ms. Vibhu Jaiswal, Adv.
Ms. Supriya Juneja, AOR
Ms. Prachi Bhatia, Adv.
Ms. A. Sahitya Verma, Adv.
Mr. Mansumyar Singh, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG
Mr. Balbir Singh, ASG
Mr. Rajat Nair, Adv.
Mr. Rajan Kr. Chourasia, Adv.
Mr. Ankur Talwar, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Pawanshree Agrawal, AOR
Ms. Soumya Dhankani, Adv.

UPON hearing the counsel the Court made the following

O R D E R

After hearing learned senior counsel appearing for the petitioner and learned Solicitor General of India, we are of the

considered view that inter alia, two issues call for consideration in this matter.

Firstly, it is with respect to the question of locus standi of the petitioner Bar Association to challenge the Notification dated 20.09.2019 whereby 23 persons were appointed, which is now raised by the respondent. The second issue is with respect to the right of the appointees to continue in the post beyond the term of appointment when they, without any demur, accepted it in the year 2019 and till date did not raise any challenge against restriction of period of appointment of three years. The petitioner Association would contend that if the matter is not taken up and interim order(s) is not passed, at least some of the appointees would have to demit office owing to the expiry of the period of appointment. Taking into account the fact that none of the appointees under the impugned Notification so far challenged the same and accepted it with open eyes, no interim order can be passed now. We are of the view that matter relating their right to continue beyond the period of three years on the strength of the aforesaid notification can also be considered in the Writ Petition itself, provided the issue of locus standi is answered in favour of the petitioner.

List the matter before the appropriate Bench on 20th July, 2022.

(RAJNI MUKHI)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER