

ITEM NO.1

COURT NO.6

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1177-1179/2021

AZIM HASHAM PREMJI & ANR.

Appellant(s)

VERSUS

INDIA AWAKE FOR TRANSPARENCY & ORS.

Respondent(s)

([FOR DIRECTIONS])

IA NO.15633/2021, 156634, 156635, 156636/2021-APPLICATIONS FOR PERMISSION TO RELY UPON ADDITIONAL DOCUMENTS AND APPLICATIONS FOR EXEMPTION FROM FILING NOTARISED AFFIDAVIT WITH

Cr1.A. No. 1180-1182/2021 (II-C)

Cr1.A. No. 1183-1185/2021 (II-C)

Cr1.A. No. 1186-1187/2021 (II-C)

Cr1.A. No. 1188/2021 (II-C)

Date : 02-12-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Mr. S. Ganesh, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Himanshu Satija, Adv.
Mr. E. C. Agrawala, AOR
Ms. Aarushi Tiku, Adv.

Dr. R. Prakash, Adv.
Mr. Pooja Jha, Adv.
Mr. A. Mohan, Adv.
Ms. Nandita Jha, Adv.
Mr. Y.P. Singh, Adv.
Mr. Brijdender Singh Dhull, Adv.
Mr. Dinesh Kumar Mudgal, Adv.
Ms. Kiran Bala Dewangan, Adv.
Mr. Jhingan Ashwani Omprakash, Adv.
Mr. Vishwa Pal Singh, AOR

Mr. Vipin Nair, AOR

For Respondent(s) Mr. R. Subramanian, Adv.
Ms. Shruti Agarwal, AOR

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

Applications for permission to rely upon additional documents and from exemption from filing notarised affidavit are allowed.

We had passed an order on 05.10.2021 with the objective of ensuring that the contempt proceedings pending against the respondents reach a culmination and had kept the matter today for directions.

Learned counsel for the appellant(s) has placed before us a note of the proceedings in the criminal contempt case being Cr1.CCC No.9 of 2021 before the Karnataka High Court and we have heard learned counsel for the respondents.

It appears that there is undoubtedly an endeavour to obfuscate proceedings before the Karnataka High Court and the matter is being dragged on unnecessarily to prevent the culmination of the same. Interlocutory applications are being filed for splitting proceedings, postponement of filing of replies, assailing sanction granted by the Advocate General and so on. On 21.10.2021, A-2 before the Court and who represents the respondent before us sought an adjournment to clear office objections on IAs. On 29.10.2021, A-2 sought adjournment to clear office

objections on another IA, even though that application has been stated to have been rendered infructuous. On 12.11.2021, the Court expressed its exasperation at A-2 for disturbing the Court proceedings and not permitting proceedings to go on. On 19.11.2021, A-2 argued an application for recall of the notice of contempt for more than one and a half hours and then sought leave to withdraw the same and it was dismissed as withdrawn. The matter now stands adjourned to 10.12.2021.

In normal circumstances, it is not for us to lay down as to how the High Court should proceed with the matter but the manner in which these proceedings have gone on disturbs us.

In view thereof, we adopt the unusual practice on laying down norms as to how the two sides will address before the Karnataka High Court so that there is a culmination of the proceedings and the intent of our order dated 05.10.2021 is complied with:

- 1) No further applications will be entertained as interlocutory applications by the Karnataka High Court in the contempt proceedings.

- 2) If there are still some IAs lying under objections, it will be the responsibility of the respondent to get them cleared and listed on the next date failing which they will stand as dismissed for non-prosecution.

3) In our view, there is no question of agitating the issue of hearing before consent being granted by the Advocate General for initiation of contempt proceedings and this is clearly an obfuscation of the issue seeking to rely on practices of different Courts.

4) Both the parties will be granted half an hour each to make their oral submissions in the matter at hand and can file a short synopsis running into not more than three pages each. It is time the Courts put a time limit to oral submissions.

5) In the present factual scenario which is based on orders passed by Courts from time to time, there is no question of claiming trial in the proceedings.

6) The contempt proceedings would stand concluded in the aforesaid terms and it is for the Karnataka High Court to then take a call on the merits of the matter on which we are not commenting.

Needless to say, a copy of this order will be

placed before the Bench dealing with the contempt proceedings.

List for directions on 11.01.2022.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)