

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).825/2020

GAJENDRA SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(IA No. 50968/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT, IA No.52329/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 51250/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 72106/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 53425/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 53097/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 52963/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 53787/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 52330/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 53723/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 52327/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 53442/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 53439/2020 - INTERVENTION APPLICATION IA No. 48815/2020 - INTERVENTION APPLICATION, IA No. 53722/2020 - INTERVENTION APPLICATION, IA No.72103/2020- INTERVENTION/IMPLEADMENT, IA No.50724/2020- INTERVENTION/IMPLEADMENT, IA No.53827/2020- INTERVENTION/IMPLEADMENT, IA No.53785/2020- INTERVENTION/IMPLEADMENT, IA No.52324/2020- INTERVENTION/IMPLEADMENT)

WITH

W.P.(C) No.608/2020 (X)

(FOR ADMISSION and IA No.57429/2020-EX-PARTE STAY and IA No.57430/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.568/2020 (X)

(IA No.77422/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.54535/2020 - GRANT OF INTERIM RELIEF, IA No.84456/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No.945/2020 (PIL-W)

(FOR ADMISSION and IA No.82675/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.82674/2020-PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(C) No.937/2020 (X)

(FOR ADMISSION)

W.P.(C) No.964/2020 (X)

(FOR ADMISSION and IA No.83882/2020-EXEMPTION FROM FILING O.T. and IA No.83886/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 542/2020 (X)
(FOR APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT ON IA 53113/2020, IA No.53113/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

W.P.(C) No.476/2020 (X)
(FOR ADMISSION and IA No.48982/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.48979/2020-APPROPRIATE ORDERS/DIRECTIONS [COVID-19 MATTERS], IA No. 53634/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 53633/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 955/2020 (X)
(FOR ADMISSION and IA No.52312/2020-GRANT OF INTERIM RELIEF and IA No.49184/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.49474/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.52314/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.49183/2020-APPROPRIATE ORDERS/DIRECTIONS and IA No.49047/2020-APPROPRIATE ORDERS/DIRECTIONS and IA No.49473/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 506/2020 (X)
(FOR ADMISSION and IA No.50900/2020-EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s).12389/2020 (X)
(FOR EXEMPTION FROM PAYING COURT FEE ON IA 52957/2020 FOR EXEMPTION FROM FILING O.T. ON IA 52958/2020 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 77610/2020 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 77611/2020)

W.P.(C) No.606/2020 (PIL-W)
(IA No. 64361/2020 - ADDITION / DELETION / MODIFICATION PARTIES IA No. 57360/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT, IA No. 57359/2020 - EX-PARTE STAY)

W.P.(C) No.711/2020 (X)
(FOR EX-PARTE AD-INTERIM RELIEF ON IA 64944/2020 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 64947/2020)

W.P.(C) No.785/2020 (X)
(FOR ADMISSION and IA No.72058/2020-EX-PARTE AD-INTERIM RELIEF)

W.P.(C) No.802/2020 (X)
(FOR ADMISSION and IA No.73697/2020-EX-PARTE STAY and IA No.73698/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.829/2020 (X)
(FOR ADMISSION and IA No.75256/2020-EX-PARTE STAY and IA No.75258/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.826/2020 (X)

(FOR ADMISSION and I.R. and IA No.75123/2020-STAY APPLICATION and IA No.75124/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.1024/2020 (X)
(FOR ADMISSION and IA No.88870/2020-EX-PARTE STAY and IA No.88873/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.1025/2020 (X)
(FOR ADMISSION and IA No.88879/2020-STAY APPLICATION and IA No.88880/2020-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.1006/2020 (X)
(FOR ADMISSION and IA No.87537/2020-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

Writ Petition(s)(Civil) No(s).959/2020
(FOR ADMISSION and I.R. and IA No.83670/2020-GRANT OF INTERIM RELIEF)

Writ Petition(s)(Civil) No(s).1029/2020
(FOR ADMISSION and IA No.89164/2020-EXEMPTION FROM FILING AFFIDAVIT)

Writ Petition(s)(Civil) No(s).1132/2020
(FOR ADMISSION and IA No.99888/2020-STAY APPLICATION and IA No.99894/2020-EXEMPTION FROM FILING O.T. and IA No.99892/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 05-10-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For petitioner(s):

WP(C) 825/20

Mr. Rajiv Dutta, Sr. Adv.
Mr. Kumar Dushyant Singh, AOR
Mr. Siddharth Dutta, Adv.
Mr. Devesh Chauvia, Adv.
Mr. Rahul Sharma, Adv.

WP 955/20 & 608/20

Mr. Vikas Singh, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agarwal, Adv.
Mr. Vishrov Mukherjee, Adv.
Mr. Ameya Mishra, Adv.
Mr. Karan Luthra, Adv.
Mr. Anirudh Bhatia, Adv.
Mr. Ankit Banati, Adv.
Mr. Rohit Venkat, Adv.
Mr. E.C. Agrawala, AOR

- WP 608/20
Mr. Kapil Sibal, Sr. Adv.
Mr. Kunal Vajani, Adv.
Mr. Samit Shukla, Adv.
Mr. Manhar S. Saini, Adv.
Mr. Kunal Mimani, Adv.
Ms. Saloni Shah, Adv.
Mr. Chandra Prakash, AOR
- WP 955/20
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agarwal, Adv.
Mr. Ankur Saigal, Huzefa Adv.
Mr. Karan Luthra, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. Ankit Banati, Adv.
Mr. Aseem, Adv.
Mr. E.C. Agrawala, AOR
- WP 825/20
Mr. Utsav Trivedi, Adv.
Mr. Chirag Shah, Adv.
Mr. Abhinay, AOR
Ms. Pragya Wal, Adv.
Mr. Himanshu Sachdeva, Adv.
- WP 542/20
Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Utsav Trivedi, Adv.
Mr. Chirag Shah, Adv.
Mr. Abhinay, AOR
Ms. Pragya Wal, Adv.
Mr. Himanshu Sachdeva, Adv.
Mr. Aditya Sidhra, Adv.
- WP 506/20
Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Shashank Kunwar, Adv.
Ms. Sonia Dube, Adv.
Mr. Shatadru Chakraborty, Adv.
Ms. Kanchan Yadav, Adv.
Mr. Anurag Singh, Huzefa Adv.
M/s. Legal Options, AOR
- WP 711/20
Mr. Sanjay R. Hegde, Sr. Adv.
Mr. Atul Shankar Vinod, Adv.
Mr. Pranjal Kishore, Adv.
Mr. Vijay Raghunathan, Adv.
Mr. Dinesh Balachandran, Adv.
Mr. M. P. Vinod, AOR
- WP 964/20, WP 1024/20 &
WP 1025/20, WP 1132/20
Mr. Ravindra Shrivastava, Sr. Adv.
Mr. Ashish Shrivastava, Adv.
Mr. Anshuman Shrivastava, Adv.
Mr. Abhijeet Shrivastava, Adv.
Ms. Garima Tiwari, Adv.

Mr. Arpit Jain, Adv.
Mr. B. Ramana Murthy, AOR

WP 937/20 Mr. Manoj V. George, Adv.
Ms. Shilpa Liza George, AOR

WP 785/20 Mr. C. Aryama Sundaram, Sr. Adv.
Mr. A. Karthik, AOR
Mr. Govind Manoharan, Adv.
Mr. Sarveshwar K., Adv.
Mr. Zafar Inayat, Adv.
Ms. Rohini Musa, Adv.
Mr. Abhishek Gupta, Adv.

Petitioner-in-person

WP 959/20 Mr. S.M. Vivekanandh, Adv.
Mr. A. Karthik, AOR
Mr. Sarveshwar K., Adv.

WP 1029/20 Mr. Suhas Kadam, Adv.
Mr. Asmi Sarode, Adv.
Mr. Purva Bora, Adv.
Ms. Manju Jetley, AOR

WP 476/20 Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.

For respondent(s):

UOI Mr. Tushar Mehta, SG
Mr. N. Venkatraman, ASG
Mr. Ashok Panigrahi, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. B.V. Balram Das, AOR
Ms. Anil Katiyar, AOR

RBI Mr. Tushar Mehta, SG
Mr. V. Giri, Sr. Adv.
Mr. Ramesh Babu M. R., AOR
Ms. Manisha Singh, Adv.
Ms. Nisha Sharma, Adv.

WP 955/20 & 785/20 (SEBI) Mr. Tushar Mehta, SG
Mr. Ashish Agarwal, Adv.
Ms. Shashi Kiran, AOR
Ms. Sangeeta Bhalla, Adv.

WP 711/20 (R-3) Mr. Sanjeev Sagar, Adv.
Mr. Shekhar Raj Sharma, Adv.
Mr. Jinendra Jain, AOR

WP 955/20 (R-4) Mr. Syed Jafar Alam, AOR
Mr. Shankh Sengupta, Adv.
Mr. Tine Abraham, Adv.
Ms. Chhavi Jain, Adv.

WP 925/20 Mr. Devashish Bharuka, AOR
Mrs. Jaya Bharuka, Adv.
Mr. Ravi Bharuka, Adv.
Ms. Sarvshree, Adv.
Mr. Justine George, Adv.
Ms. Srishti Agarwal, Adv.

WP 802, 829, 826/20 Mr. Ashish Virmani, AOR
Mr. Himanshu Dhuper, Adv.

WP 825/20 - Intervenor -
Indian Bank Association Mr. Harish Salve, Sr. Adv.
Mr. Sanjay Kapur, AOR
Mr. V.M. Kannan, Adv.
Ms. Megha Karnwal, Adv.

WP 825/20 - Intervenor
State Bank of India Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sanjay Kapur, AOR
Mr. V.M. Kanna, Adv.
Mr. Harshal Narayan, Adv.
Mr. Sambit Panja, Adv.

IA 53439/20 (Intervenor)
IA 53442/20 Mr. Arnav Narain, AOR
Mr. Vinayak Bhandari, Adv.

WP 825/20 (Intervenor)
D.12389/20 Mr. P. Chidambaram, Sr. Adv.
Mr. Abhimanyu Bhandari, Adv.
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Mr. Cheitanya Madan, Adv.

IA 96215/20 (Intervenor) Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Vijayesh Atre, Adv.
Mr. Ankur Saigal, Adv.
Mr. E.C. Agrawala, AOR

IA 80902/20 (Intervenor) Mr. K. Rajeev, Adv.
Mr. Shinoj K. Narayanan, Adv.
Mr. Bijo Mathew Joy, Adv.

WP 945/20 (Intervenor) Mr. Biswajit Das, Adv.
Mr. Abhigya, AOR
Ms. Anamika Sharma, Adv.
Mr. Pradeep Kumar Dubey, Adv.
Mr. Siddharth Rajkumar Murarka, Adv.
Ms. Sunita Yadav, Adv.
Ms. Anamika Kushwaha, Adv.
Ms. Nandita Rao, Adv.

Mrs. Mahija Reddy, Adv.
Mr. K.N. Agnihotri, Adv.
Ms. Alpna Anand Jain, Adv.

IA 52329/20 (Impleader)
IA 52324/20

Mr. Siddharth Jain , AOR

IA 53722-57723/20

Ms. Swati Setia, AOR

IA 53785/20 in WP 825/20

Mr. Raghwendra Tiwari, Adv.
Ms. Amrita Kumari, AOR
Ms. Mamta Tiwari, Adv.
Mr. Ravi Mishra, Adv.
Mr. Ajay Kumar, Adv.

IA 53827/20 in WP 825/20
(Impleader)

Mr. Pankaj Garg, Adv
Mr. Milind Garg, Adv
Ms. Nikita Jain Garg, Adv
Mr. Yaksh Garg, Adv
Mr. Suvidut M.S., AOR
Mrs. Anu B., Adv
Mr. Vibhor Ahlawat, Adv
Mr. Yogesh Kumar, Adv
Mr. Abhijeet Singh, Adv

IA 88923/20 in WP 825/20

Mr. Kunal Cheema, AOR
Mr. Jeetendra Ranaawat, Adv.
Ms. Aditi Parkhi, Adv.

IA 96996/20

Mr. Abhikalp Pratap Singh, AOR
Mr. Ajinkya Shinde, Adv.
Mr. Ajinkya Udane, Adv.

IA 88898-99/20

Mr. Gaurav Goel, AOR
Mr. Rajesh Kumar, Adv.

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

Heard.

An additional affidavit dated 02.10.2020 has been filed on behalf of the Union of India in compliance of order dated 10.09.2020. Learned counsel appearing for the different writ petitioners submit that the affidavit dated 02.10.2020 does not deal with several other issues, which have been raised in different writ petitions. It is further submitted that although in paragraph

18 of the affidavit it has been mentioned for waiver with regard to interest-on-interest upto 2 crores in 8 categories but no consequential notification, circulars have been issued either by the Reserve Bank of India or by the Central Government, to implement the same. It is further submitted that with regard to reference made in paragraph 21 of the affidavit regarding Kamath Committee Report, but the said Committee report has not been brought on the record. Shri Tushar Mehta, learned Solicitor General, as well as Shri V. Giri, learned senior counsel, submitted that said report shall be brought on the record alongwith the additional affidavit. It is further submitted that whatever recommendations made by the Kamath Committee, they are to be considered by the Central Government as well as by the Reserve Bank of India and necessary orders to be issued to implement those recommendations, which are accepted, so that benefit of which accrue from the said report and the report may percolate to all the needy persons. It is also submitted that no resolution as well as policy decision, by the individual banks, have been brought on the record as to what manner the various decisions taken by the Central Government and the Reserve Bank of India will be implemented.

Shri Harish Salve, learned Senior Counsel, appearing for the Indian Bank Association submits that he should also be allowed short time, to deal with the issues raised and bring on record, the individual policy decisions of each bank with regard to implementation of various directions issued by Central Government and the Reserve Bank of India.

In our earlier order dated 10.09.2020 we have directed

following:

"In view of the aforesaid request made by Shri Tushar Mehta, learned Solicitor General and the learned counsel for banks, we grant two weeks time to file appropriate affidavit to reply the issues which have been raised before us. All decisions taken by the Government of India, Reserve Bank of India or the different banks should be placed before the Court for consideration."

The affidavit, which does not give necessary details, as were required by this Court's order dated 10.09.2020, Shri Tushar Mehta, learned Solicitor General and Shri V. Giri, learned senior counsel, pray for further time to file additional affidavit bringing on record the relevant decisions and circulars issued.

Learned counsel appearing for the petitioners including the writ petitioners, related to different sectors, have also prayed for time to file reply to the affidavit, which we are inclined to grant. We, thus, allow one week's time to file reply to the additional affidavit dated 02.10.2020. During the said period, the learned counsel appearing for the Reserve Bank of India and learned Solicitor General as well as learned counsel appearing for the different banks and the Indian Bank Association may also file their additional affidavit bringing on record the relevant policy decisions, guidelines consequent to decision of the Government and Reserve Bank of India. The Union of India and the Reserve Bank of India may also file counter affidavit in other writ petitions where certain additional issues have been raised. The Government of India as well as Reserve Bank of India in the additional affidavit may also give their response with regard to different sectors grievances highlighted by different writ petitioners in the

intervention applications.

Shri Tushar Mehta, learned Solicitor General, as well as Shri V. Giri, learned senior counsel, pray that they shall be filing consolidated affidavit, copy of which shall be sent to all.

Let the affidavit be filed by 09.10.2020. List on 13.10.2020.

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER