

ITEM NO.25 Court 1 (Video Conferencing) SECTIONs PIL-W/X

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

Writ Petition(Criminal) No.314/2021

MANOHAR LAL SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 94889/2021 - ADMISSION OF NEW EVIDENCE, IA No. 92735/2021 - APPROPRIATE ORDERS/DIRECTIONS & IA No. 94883/2021 - PERMISSION TO FILE AMENDED WRIT PETITION)

WITH

W.P.(C) No. 826/2021 (PIL-W)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 95190/2021, FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 110055/2021, IA No. 110055/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 95190/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 909/2021 (PIL-W)

(FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 100441/2021)

W.P.(C) No. 861/2021 (PIL-W)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 98705/2021)

W.P.(C) No. 849/2021 (X)

(FOR GRANT OF INTERIM RELIEF ON IA 92902/2021, FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 99571/2021, FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 99581/2021 & IA No. 99581/2021 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 855/2021 (PIL-W)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 93119/2021)

W.P.(C) No. 829/2021 (PIL-W)

(FOR ADMISSION and IA No.89919/2021-EXEMPTION FROM FILING O.T., IA No.89914/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.89918/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 850/2021 (X)

(FOR ADMISSION and IA No.92975/2021-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 848/2021 (X)

(FOR ADMISSION and IA No.92894/2021-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 853/2021 (X)

(FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 93045/2021 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 95804/2021)

W.P.(C) No. 851/2021 (PIL-W)  
(FOR INTERVENTION APPLICATION ON IA 100403/2021)  
W.P.(C) No. 890/2021 (PIL-W)

Date : 13-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Mishra Saurabh, AOR

In WP(C)No.909/21 Mr. Colin Gonsalves, Sr. Adv.  
Mr. Siddharth Seem, Adv.  
Mr. Kushagra Sinha, Adv.  
Mr. Shiyas KR, Adv.  
Ms. Mishi Choudhary, Adv.  
Mr. Prasanth Sugathan, Adv.  
Mr. Satya Mitra, AOR

In WP(C) No.861/21 Mr. Manish Tiwari, Adv. (N.P.)  
Mr. Abhimanyu Tewari, AOR

In WP(C) No.851/21 Mr. Kapil Sibal, Sr. Adv.  
Mr. Lzafeer Ahmad B. F., AOR  
Ms. Rupali Samuel, Adv.  
Mr. Raghav Tankha, Adv.

In WP(C)No.849/21 Mr. Shyam Divan, Sr. Adv.  
Mr. Rahul Narayan, AOR  
Ms. Samiksha Godiyal, Adv.  
Ms. Ria Singh Sawhney, Adv.  
Ms. Udayaditya Banerjee, Adv.  
Mr. Govind Manoharan, Adv.  
Ms. Sugandha Yadav, Adv.

In WP(C) No.850/21 Mr. Arvind P. Datar, Sr.Adv.(N.P.)  
Mr. Mihir C. Naniwadekar, Adv.  
Mr. Rahul Unnikrishnan, Adv.  
Mr. Abhinav Sekhri, Adv.  
Rangoli Seth, Adv.  
Mr. Prateek K. Chadha, AOR

In WP(C) No.848/21 Mr. Dinesh Dwivedi, Sr. Adv.  
& WP(C) No.853/21 Mr. Rakesh Dwivedi, Sr. Adv.  
Mr. Prateek Dwivedi, Adv.  
Mr. Eklavya Dwivedi, Adv.  
Mr. Nishant Singh, Adv.  
Mr. Yash Sinha, Adv.

Mr. Krishnesh Bapat, Adv.  
Ms. Natasha Maheshwari, Adv.  
Ms. Vrinda Bhandari, Adv.  
Ms. Monika Dwivedi, Adv.  
Mr. Tanmay Singh, Adv.  
Mr. Prateek K Chadha, AOR

In WP(C) No.826/21 Mr. Kapil Sibal, Sr. Adv.  
Mr. C.U. Singh, Sr. Adv.(N.P.)  
Mr. Shadan Farasat, AOR  
Mr. Nizam Pasha, Adv.  
Ms. Vidusshi, Adv.  
Mr. Zubin, Adv.  
Mr. Shourya Dasgupta, Adv.  
Mr. Bharat Gupta, Adv.  
Ms. Tanvi Tuhina, Adv.  
Suhavi Arya, Adv.  
Mr. Aman Naqvi, Adv.

Petitioner-in-person

In WP(C) No.829/21 Ms. Meenakshi Arora, Sr. Adv.  
Ms. Resmitha R. Chandran, AOR  
Mr. Biju Joseph, Adv.  
Mr. Hardik Vashisht, Adv.  
Ms. Pooja Rohatgi, Adv.

For Respondent(s)

For UOI Mr. Tushar Mehta, SG  
Mr. K.M. Nataraj, ASG  
Mr. Rajat Nair, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Ankur Talwar, Adv.  
Mr. Arvind Kumar Sharma, Adv.  
Mr. Mukesh Kumar Maroria, Adv.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Amrish Kumar, Adv.

Mr. G. Prakash, AOR  
Ms. Priyanka Prakash, Adv.  
Ms. Beena Prakash, Adv.

In WP(C) No.890/21 Dr. Abhishek Manu Singhvi, Sr. Adv.  
for State of Mr. Suhaan Mukerji, Adv.  
W.B. Mr. Vishal Prasad, Adv.  
Mr. Abhishek Manchanda, Adv.  
For M/s. PLR Chambers And Co., AOR

For Intervenor(s) Mr. Rajiv Shankar Dwivedi, AOR  
in WP(C) No.851/21 Mr. Varun Sinha, Adv.

Mr. Sushant Kr. Sarkar, Adv.  
Mr. Rishabh Jain, Adv.  
Ms. Arti Dvivedi, Adv.

For State of UP            Ms. Garima Prashad, AAG  
in WP(C)No.909/21       Ms. Ruchira Goel, AOR

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

The Court is convened through Video Conferencing.

Heard Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India, Mr. Kapil Sibal, learned Senior counsel appearing for the petitioners in Writ Petition(C) No.851 of 2021 & Writ Petition (C) No.826 of 2021, Mr. Shyam Divan, learned Senior counsel appearing for the petitioner in Writ Petition (C) No.849 of 2021, Mr. Dinesh Dwivedi & Mr. Rakesh Dwivedi, learned Senior counsel appearing for the petitioners in Writ Petition (C) Nos.848/2021 & 853/2021, Ms. Meenakshi Arora, learned Senior counsel appearing for the petitioner in Writ Petition (C) No.829 of 2021, Mr. Manohar Lal Sharma, petitioner-in-person in Writ Petition (Crl.) No.314/2021, Mr. Colin Gonsalves, learned Senior counsel appearing for the petitioners in Writ Petition (C) No.909 of 2021, Mr. Harish Salve, learned Senior counsel appearing for the petitioner in Writ Petition(C) No.890 of 2021 and Dr. A.M. Singhvi, learned Senior counsel appearing for the State of West Bengal at a considerable length.

Hearing is concluded.

Order is reserved.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)  
COURT MASTER (NSH)

Cases/Book cited:-

- (1) (2011) 8 SCC 1 Paras 57 & 76
- (2) (2002) 3 SCC 31
- (3) (2021) 1 SCC 184 Para 22
- (4) (2017) 10 SCC 1 Paras 68 to 70, 74, 77 & 114
- (5) (1994) 6 SCC 632 Paras 16 to 20

- (6) (1997) 1 SCC 301 Paras 18, 19 and 32
- (7) (1998) 1 SCC 226 – Hawala Case
- (8) The Information and Technology Act, 2000
- (9) The Information Technology (The Indian Computer Emergency Response Team and Manner of Performing Functions and duties) Rules, 2013