

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/LETTERS PATENT APPEAL NO. 365 of 2021**  
**In R/SPECIAL CIVIL APPLICATION NO. 4827 of 2021**  
**With**  
**CIVIL APPLICATION (FOR STAY) NO. 1 of 2021**  
**In R/LETTERS PATENT APPEAL NO. 365 of 2021**

**FOR APPROVAL AND SIGNATURE:**

**HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM NATH**  
**and**  
**HONOURABLE MR. JUSTICE BHARGAV D. KARIA**

1	Whether Reporters of Local Papers may be allowed to see the judgment ?	Yes
2	To be referred to the Reporter or not ?	Yes
3	Whether their Lordships wish to see the fair copy of the judgment ?	No
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	No

**STATE OF GUJARAT THROUGH THE GOVERNMENT PLEADER**

**Versus**

**KALPIT YOGESHBHAI SHAH & 2 other(s)**

**Appearance:**

MR KAMAL TRIVEDI, ADVOCATE GENERAL WITH MS AISHWARYA GUPTA, ASST.GOVERNMENT PLEADER(1) for the Appellant(s) No. 1  
 MR PERCY KAVINA, SENIOR ADVOCATE WITH MR MEET G RAVAL(10630) for the Respondent(s) No. 1,2  
 MS MANISHA LAVKUMAR, SENIOR ADVOCATE WITH MR RONAK RAVAL for the Respondent(s) No. 3

**CORAM: HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM NATH**  
**and**  
**HONOURABLE MR. JUSTICE BHARGAV D. KARIA**

**Date : 30/03/2021**

**CAV JUDGMENT**

**(PER : HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM NATH)**

1. The incident which took place in Shrey Hospital on the fateful morning of 6<sup>th</sup> of August 2020, was one which shook our conscience. The fire which took place in the COVID hospital almost instantaneously killing those in the Intensive Care Unit of the hospital and injuring many more, requires serious investigation. It was in order to ascertain the truth behind such incident that the Commission of Inquiry was appointed by the State Government under the Commission of Inquiry Act, 1952. When an incident, as shocking as this takes place, it is in the interest of the public at large, that the truth is ascertained as early as possible. Timely ascertainment of the truth is a part of the process of delivery of justice and is an important component for granting closure to the family members of the victims. Any delay in this regard and prolonging the entire process would only exacerbate their suffering, all the more when the Supreme Court is regularly monitoring the inquiry as also the role of the State Government in Suo Motu Writ Petition (Civil) No.07 of 2020.

2. The importance of truth for imparting justice cannot be undermined, for it is the truth alone,

which forms the bedrock or the foundation of justice. However, equally important is the path to seeking the truth and as the guardians of justice, it is our solemn duty to ensure that this path is unhindered. It is also our responsibility to safeguard this path and those tread upon it.

3. The Indian ethos accords the highest importance to truth and this is reflected from our National Emblem which is inscribed with the phrase "Satyamev Jayate". These words echo the sentiments of our society and form the very foundation of our way of life. In order to ensure that truth triumphs, it is the Judiciary that needs to play an active role, protecting those who seek the truth and ensuring that the truth-seeking path is well-lit and those who seek the truth can bravely push forward without any force to pulling them back. That truth is the soul of justice and is the only guiding star in the entire judicial process, is a fact ingrained in our souls.

4. It is by now well settled that a Commission of Inquiry under the Commission of Inquiry Act, 1952 is

a fact finding body appointed to ascertain the truth in a definite matter of public importance and it is this body that treads upon the path seeking the truth. Any attempt to impede its path or to place obstacles before it, must be repelled, for without truth there can be no justice. As the Guardians and the priests of this Temple of Justice, we must do our best to remove such obstacles and ward off any attempt to stall the truth-seeking process.

5. This intra-court appeal under Clause 15 of the Letters Patent has been preferred by the State of Gujarat assailing the correctness of the order dated 19<sup>th</sup> March 2021 passed by the learned Single Judge in Special Civil Application No.4827 of 2021 whereby the learned Single Judge after recording reasons issued notice returnable on 5<sup>th</sup> April 2021 and in the meantime granted ad-interim relief in terms of paragraph 6(C) of the petition whereby prayer had been made to restrain the respondent No.2 i.e. the Hon'ble Justice D.A. Mehta Inquiry Commission (in short referred to as "Justice Mehta Commission") from pronouncing its report pending admission and/or final

disposal of the petition.

6. An unfortunate incident of fire occurred at Shrey Hospital, Navrangpura, Ahmedabad on 6<sup>th</sup> August 2020 in which 8 Covid patients succumbed to burn injuries and several others were injured.

7. The State Government, exercising its powers under Section 3 of The Commissions of Inquiry Act, 1952 (hereinafter referred to as "the 1952 Act") appointed a One Man Commission of Inquiry consisting of Hon'ble Justice K.A.Puj, Former Judge of the High Court of Gujarat vide notification dated 11<sup>th</sup> August 2020 to inquire into the said incident and submit a report within three months and the Terms of Reference as quoted in paragraph 2 of the notification reads as follows:-

*"(a) To inquire into exact sequence of events leading to the incident of fire which occurred on 06.08.2020 at Shrey Hospital, Navrangpura, Ahmedabad and the causes of the aforesaid incident;*

*(b) Adequacy of fire safety measures existing at Shrey Hospital at the time of incident;*

*(c) To ascertain whether the said incidence of fire and the resultant deaths were the result of negligence or breach of duty on part of any one*

*or more authorities or individuals.*

*(d) To recommend suitable measures to prevent recurrence of such incidents."*

8. The Commission issued public notice dated 07.10.2020 inviting material, affidavits, statements from all concerned relating to the incident by 21<sup>st</sup> October 2020. Relatives of the deceased filed affidavits dated 20<sup>th</sup> October 2020 before the Commission. The Commission thereafter made a request for extension of time whereupon the State Government issued a notification dated 06.11.2020 extending the time limit by nine months from the date of original notification i.e. from 11.08.2020.

9. In supersession of the notification dated 11.08.2020, a fresh notification under Section 3 of the 1952 Act came to be issued on 11.12.2020 whereby Hon'ble Justice D.A.Mehta, Former Judge of the High Court of Gujarat was appointed as a One Man Commission to inquire into the very same fire incident which had occurred at Shrey Hospital on 06.08.2020 and the Terms of Reference being the same as mentioned in the notification dated 11.12.2020.

Justice Mehta Commission was required to submit its report within three months. The State of Gujarat issued another notification dated 25.02.2021 extending the time limit for Justice Mehta Commission to submit the report on or before 31.03.2021.

10. Justice Mehta Commission issued a public advertisement on 25.12.2020 inviting all interested/concerned with the said incident to submit their documents, statements, affidavits, additional affidavits on or before 11.01.2021. Further Justice Mehta Commission on 15.01.2021 issued summons to all concerned including the relatives of the deceased which included the writ petitioners to appear before it on 03.02.2021 for recording their statements and for providing whatever assistance they can in the inquiry. On 1<sup>st</sup> of February, 2021, petitioner No.1 Kalpit Yogeshbhai Shah who had lost two of his close relatives in that unfortunate incident submitted an application before Justice Mehta Commission requesting to supply all the documents it had collected till then. It is a short request which is reproduced below as translated in English. The

written request was in the vernacular language:-

*"From:  
Kalpit Yogeshbhai Shah,  
Shefali Kharvakuva,  
Dholka-382225  
Ahmedabad Rural  
Date: 01/02/2021*

*To  
Mr. Giriraj K. Upadhyay  
Secretary,  
Hon'ble Justice D.A.Mehta Inquiry Commission,  
(Regarding fire incident of Uday Shivanand Hospital-  
Rajkot and Shreya Hospital-Ahmedabad)  
First Floor, STTI Bhavan,  
GCERT Campus, Sector-12,  
Gandhinagar-382016  
E-mail: [damjinquirycomm@gmail.com](mailto:damjinquirycomm@gmail.com)*

*Sub:- Your notice dated: 03/02/2021 to remain  
present personally.*

*Sir,*

*I am the victim of the aforesaid incident. I  
hereby humbly request you to provide certified  
copies of all the relevant papers of this case so  
that I can know as to what has been stated by the  
other parties in their affidavit. As this is my  
first application for seeking adjournment, kindly  
grant me period of four weeks upon receipt of the  
certified copies.*

*Further, I visit Ahmedabad from Dholka on  
Monday for business purpose. I, therefore request  
your good-self that, I may be called on any Monday  
after four weeks of receipt of all the relevant  
papers so that, I can reach Gandhinagar from Dholka.*

*Thanking You.*

*Yours faithfully,*

*Sd/-(Illegible)*

*Kalpit Yogeshbhai Shah"*



Another application was moved by the petitioner No.1 on 04.02.2021 making a request to the Commission to permit him to visit I.C.U. of Shrey Hospital with his photographer which also was in vernacular language. English translation of the same is as follows:

"From:  
Kalpit Yogeshbhai Shah  
Shefali Kharyakuva  
Dholka - 382225  
Ahmedabad Rural  
Date: 04.02.2021

To  
Shri Giriraj K. Upadhyay  
Secretary  
Hon'ble Justice D. A. Mehta  
Enquiry Committee  
(regarding fire incidents at  
Uday Shivanand Hospital – Rajkot  
and Shrey Hospital – Ahmedabad)  
First Floor, STTI Bhavan,  
GCERT Campus, Sector-12,  
Gandhinagar-382016  
Email: [damjiinquirycomm@gmail.com](mailto:damjiinquirycomm@gmail.com)

**Sub.: Application for visit of Shrey Hospital with my photographer**

Respected Sir,

I am victim of the above mentioned incident. I respectfully state that fire had taken place at Shrey Hospital on 06.08.2020 and my grand father and my uncle died in it. I request you to allow me to visit I.C.U. unit and Shrey Hospital with my photographer with a view to verify whether the fire was accident or not. I further request you to intimate the date and time 3 weeks in advance so that I can remain present in person.

Thanking you.

Yours faithfully

Kalpit Yogeshbhai Shah"

The Commission passed a detailed order dated 05.02.2021 on the two aforesaid requests made by the petitioner No.1 on 01.02.2021 and 04.02.2021 and after referring to the relevant facts and the provisions of law, rejected both the applications. The said rejection order dated 5<sup>th</sup> February, 2021 is admitted to have been served on the writ petitioner No.1 on 08.02.2021. After receiving the same, the petitioner No.1 made further representations dated 09.02.2021 and 13.02.2021 to the Commission. Two relatives of the deceased filed Special Civil Application No.4827 of 2021 on 9<sup>th</sup> of March 2021 praying for appropriate directions being issued to the Commission to pass on the documents received by it after November 2021, allow the petitioners to be examined and cross-examine the witnesses, to stay further proceedings pending before the Commission and to restrain the Commission from pronouncing its report pending admission/final disposal of the petition. The reliefs as claimed in paragraph 6 of the petition are reproduced below:-

*“(A) This Hon'ble Court be pleased to issue appropriate writ, order or directions and be pleased to direct the Respondent no.2 to pass*

*with the document received by it after Nov,2020 and also allow the petitioners to be examined and cross-examine witnesses in the interest of justice.*

*(B) This Hon'ble Court be pleased to order the pending admission and/or final disposal of this petition the further proceeding of the Respondent no.2 be stayed in the interest of justice;*

*(C) This Hon'ble Court be pleased to restrain the Respondent no.2 from pronouncing its report pending admission and/or final disposal of this petition;*

*(D) This Hon'ble Court be pleased to pass such other and further relief that is just, fit and expedient in the facts and circumstances of the case may be granted."*

11. The learned Single Judge after hearing the learned counsels for the parties passed a detailed interim order dated 19.03.2021 restraining the Commission from pronouncing its report pending admission/final disposal of the petition as prayed in paragraph 6(C) of the petition. Paragraphs 1 to 11 of the order of the learned Single Judge referred to the facts and the arguments advanced by the learned counsels for the respective parties. The discussion starts from paragraph 12 onwards. The learned Single Judge made following observations :-

(i) The writ petitioners were affected persons as their close relatives died in the unfortunate incident. They are also interested persons to see that the real facts may come on record;

(ii) The observation made by the Commission that the petitioners were adopting dilatory tactics was not correct, as summons had been issued to the writ petitioners by the Commission requiring their presence on 03.02.2021 and before the said date, as the petitioners have made a request to provide copies of all the documents, it could not be said that the petitioners are trying to delay the proceedings;

(iii) If they were denied the access to the record and the same was not made available to them, they could not effectively assist the Commission. Further, as the petitioners were not third party or strangers, they were interested to see that the respondent No.2 Commission could find out the correct facts;

(iv) The order dated 12.10.2012 passed by the Division Bench of this Court in Writ Petition

(PIL) No.216 of 2012 and in view of what had been stated by the Division Bench in paragraph 5 of its judgment dated 12.10.2012, the writ petitioners are interested and affected persons and have a valuable legal right accrued in their favour;

(v) It referred to a pending petition being Writ Petition (PIL) No.118 of 2020 which had covered the concern about the unfortunate fire incident of 06.08.2020 but held that the relief prayed in the present petition was different from the relief prayed in the aforesaid PIL;

(vi) The petitioners had challenged the order passed by the Commission declining their requests to provide the documents whereas the earlier Hon'ble Judge heading the Commission had provided the copies;

(vii) The petition was maintainable and it required detailed hearing.

12. Based on the above observations, learned Single Judge passed the interim order dated

19.03.2021. It is this interim order passed by the learned Single Judge which is under challenge in the present appeal.

13. We have heard Shri Kamal Trivedi, learned Advocate General assisted by Ms.Aishwarya Gupta, learned Assistant Government Pleader for the State appellant, Shri Percy Kavina, learned Senior Advocate assisted by Shri Meet G. Raval, learned counsel representing respondent Nos.1 and 2 and Ms.Manisha Lavkumar, learned Senior Advocate assisted by Shri Ronak Raval, learned counsel for respondent No.3 (Justice Mehta Commission).

14. Rule. Learned Senior Counsels appearing for the respective parties have in specific terms agreed and given their consent that the appeal may be finally heard. Learned Senior Counsels, Shri Kavina and Ms. Manisha Lavkumar have waived service of notice of rule upon instructions from their respective instructing counsels.

15. Before proceeding to deal with the respective submissions and their analysis, we wish to

incorporate here the list of important dates submitted by the State duly authenticated and certified by learned Advocate General to be correct and accurate chronology of events, as the same would be relevant for deciding the issues raised in the appeal. It may be noted that the said list of important dates as supplied to the Court has been provided to the learned counsel for the respondents and apparently, no objection has been given by Shri Kavina, learned Senior Counsel for respondent Nos.1 and 2 except that serial No.6 wherein no date is mentioned with regard to which Shri Kamal Trivedi, learned Advocate General submitted that if required he could provide the exact date also. However, we feel that the same would not be relevant considering the subsequent specific dates being incorporated in the list of important dates. The same is reproduced below :

*"List of Important Dates of the Appellant State*

Sr. No.	Date	Particulars	Pg. Nos.
1	11.08.2020	State Government in exercise of its powers conferred under Section 3 of the Commissions of Inquiry Act, 1952, issued a notification and appointed a Commission of Inquiry	1 (Index of Documents)

		<p>consisting of Hon'ble Mr. Justice K.A. Puj, former Judge of the High Court of Gujarat, to inquire into and report within three months from the date of the said notification (i.e. by 10.11.2020) in respect of following terms of reference:</p> <p>"(a) To inquire into exact sequence of events leading to the incident of fire which occurred on 06.08.2020 at Shrey Hospital, Navrangpura, Ahmedabad and the causes of the aforesaid incident;</p> <p>(b) Adequacy of fire safety measures existing at Shrey Hospital at the time of incident;</p> <p>(c) To ascertain whether the said incidence of fire and the resultant deaths were the result of negligence or breach of duty on part of any one or more authorities or individuals.</p> <p>(d) To recommend suitable measures to prevent recurrence of such incidents."</p>	
2	29.10.2020	Petitioners being relatives of the deceased in the aforesaid incident, submitted several affidavits dated 20.10.2020 before the Commission.	8-53
3	06.11.2020	In view of an oral request for extension of time limit by the learned Commission, the State Government issued a notification, inter-alia, amending the earlier notification dated 11.08.2020, whereby original time limit of three months came to be extended by nine months from 11.08.2020 (i.e. up to 10.05.2021), for the completion of the inquiry and submission of the report.	4 (Index of Documents)
4	27.11.2020	During the course of hearing of <i>Suo Motu Writ Petition (Civil) No.7 of 2020</i> before the Hon'ble Supreme Court, taking <i>Suo Motu</i> cognisance of the incident of fire resulting	69



		<p>in death of 6 COVID patients in COVID Hospital at Rajkot on 26.11.2020, the Hon'ble Supreme Court being very critical about the incident of fire at Shrey Hospital, Anmedabad, had orally inquired (i) as to why no progress in the matter of inquiry had so far been made by the learned Commission into the incident of fire at Shrey hospital, Anmedabad, and (ii) as to why the State had extended the time limit by nine months in such extremely urgent and sensitive matter.</p>	
5	03.12.2020	<p>The aforesaid Commission of Inquiry issued summons to the concerned persons including the Petitioners for appearing and giving oral evidence on 15.12.2020 at 15:00 hours for putting their say in the matter, failing which further actions would be taken in accordance with law.</p>	1/V
6		<p>In view of the aforesaid development before the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No.7 of 2020, learned Member of the Commission, Hon'ble Mr. Justice K.A.Puj orally conveyed to the State Government that he has decided to resign as the Member of the Commission. In view thereof, the State Government informally consulted Hon'ble Mr. Justice D.A.Mehta, former Judge of the High Court of Gujarat, to accept the responsibility of the aforesaid Commission of Inquiry, also for Shrey Hospital.</p>	
7	09.12.2020	<p>After hearing the parties in the aforesaid Suo Motu Writ Petition (Civil) No.7 of 2020 before the Hon'ble Supreme Court, the Hon'ble Supreme Court passed the following order:</p> <p>"Mr. Tushar Mehta, the learned Solicitor General submits that with regard to Fire Safety Audit, a direction has been issued to all</p>	76-81  80

		<p>the States to constitute an appropriate Committee and compilation of all data is in process and shall be filed along with an affidavit within a period of three days from today.</p> <p>He further submits that with regard to fire at the Covid Hospital, Rajkot, the Enquiry Committee chaired by Justice D.A. Mehta has already been constituted, which is looking after the aforesaid incident. He further submits that fire accident which happened in Ahmedabad in Shrey Hospital may also be looked under the jurisdiction of the same Committee so that an early report may be submitted and appropriate measures may be taken with regard to hospitals where fire broke resulting in death of several patients. It will be open for the Government to do so by issuing appropriate notification.</p> <p>As prayed by the learned Solicitor General, he may file detailed affidavit within three days." (emphasis supplied)</p>	
8	10.12.2020	<p>Hon'ble Mr. Justice K.A.Puj addressed a communication to the Additional Chief Secretary, Urban Development and Urban Housing Department, Gandhinagar, and requested the State Government to relieve him from the inquiry of Shrey Hospital, Ahmedabad, with immediate effect.</p>	
9	11.12.2020	<p>For the purpose of filling up the vacancy arisen due to the resignation of Hon'ble Mr. Justice K.A. Puj as the Member of the Commission of Inquiry, the State Government issued a notification, appointing Hon'ble Mr. Justice D.A. Mehta, former Judge of the High Court of Gujarat as the Member of the said Commission to inquire into the very terms of reference as contained in the earlier</p>	74

		<p>notification dated 11.08.2020, within a period of three months from the date of the said notification (i.e. by 10.03.2021)</p> <p>Note:</p> <p>(i) Pertinently, the aforesaid reconstitution of the Commission of Inquiry was neither by way of replacement nor substitution of the existing sole member with another person, but the said reconstitution was for the purpose of filling the vacancy having arisen in the office of the Member of the Commission due to the resignation of Hon'ble Mr. Justice K.A.Puj.</p> <p>(ii) In fact, the aforesaid notification dated 11.12.2020 has clearly provided that the same has been issued in supersession of the earlier notification dated 11.08.2020 (Sr. No.1).</p>	
10	18.12.2020	<p>In the course of further hearing of the aforesaid <i>Suo Motu Writ Petition (Civil) No.7 of 2020</i> before the Hon'ble Supreme Court, the State of Gujarat submitted the aforesaid notification appointing Hon'ble Mr. Justice D.A. Mehta as a Member of the Commission to undertake inquiry with regard to incident of fire which took place at Shrey Hospital, Ahmedabad.</p> <p>Pertinently, the Hon'ble Supreme Court while passing the order in the aforesaid proceedings, categorically desired the State to extend all cooperation to the Commission, so that inquiry report may be submitted by the Commission at an early date and the appropriate remedial action may be taken.</p>	82-93  85
11	25.12.2020	<p>Justice D.A. Mehta Commission of Inquiry issued a public advertisement, calling upon all the concerned being interested in the inquiry in question, to send their</p>	54A

		<i>affidavits, statements, documents, additional affidavits, etc. on or before 11.01.2021.</i>	
12	11.01.2021	<i>In response to the aforesaid public advertisement, Petitioners did not submit anything before the Commission of Inquiry.</i>	
13	15.01.2021	<i>Justice D.A. Mehta Commission of Inquiry issued fresh summons to all the concerned including the Petitioners to appear before the Commission on 03.02.2021.</i>	2
14	03.02.2021	<i>Once again Petitioners chose not to appear before the Commission, though desired vide fresh summons dated 15.01.2021.</i>	2
15	01.02.2021 and 04.02.2021	<i>Instead of honouring the summons referred to above, Petitioner No.1 made an application dated 01.02.2021 to Justice D.A. Mehta Commission of Inquiry by stating inter-alia that he is affected person in the inquiry in question wherein he lost his grandfather and uncle and therefore, it is requested to provide certified copies of all the documents and affidavits filed by various parties and Petitioner No.1 may be called on any Monday after a period of four weeks.</i>  <i>A further request was made by the Petitioner No.1 to allow him to visit ICU Unit as well as Shrey Hospital with his personal photographer.</i>	55  56
16	05.02.2021	<i>Justice D.A. Mehta Commission passed a reasoned order, rejecting the aforesaid two applications.</i>	1/V-6
17	25.02.2021	<i>State Government issued a further notification amending its earlier notification dated 11.12.2020, extending the time limit (i.e. 10.03.2021) for completing the inquiry and submission of report on or before 31.03.2021.</i>	90

18	09.03.2021	<i>Petitioners instituted a captioned writ petition for challenging the aforesaid order dated 05.02.2021 before the learned Single Judge.</i>
19	10.03.2021	<i>Justice D.A. Mehta Commission inquired with the learned Advocate General about the procedure for submitting its report, since the inquiry was over and the report was being sent for binding.</i>  <i>To the aforesaid inquiry, request from the learned Advocate General was to the effect that since the Assembly was in Session, it would be better if report may be submitted by the end of next week i.e. by 20/21.03.2021.</i>
20	19.03.2021	<i>Learned Single Judge passed the impugned order and while directing the issuance of notice by making it returnable on 05.04.2021 in the captioned writ petition, granted an ad-interim relief in terms of para 6C restraining Justice D.A. Mehta Commission of Inquiry from pronouncing its report, pending admission and final disposal of the said writ petition.</i>

16. Shri Percy Kavina, learned Senior Counsel appearing for the original writ petitioners – respondent Nos.1 and 2 in the appeal has raised preliminary objections to the following effect :-

- Firstly, the Commission being an independent agency, the State would not have any locus to maintain this appeal. The appeal at the instance of the State is not *bonafide* and therefore ought

not to be entertained. It is liable to be dismissed on both the above counts.

- Secondly, it is also submitted that no prejudice is being caused to the State by the impugned order and as such also, the appeal is liable to be dismissed.
- Thirdly, it is submitted that the participation and conducting of the matter by the State Law officers on behalf of the Commission are also not warranted in law and would be clearly violating the common law concept of an independent Commission constituted for the purpose of finding out the truth of the unfortunate incident in which some officers of the State or State authorities may be indicted.
- Fourthly, it is submitted that the order passed by the learned Single Judge being an interim order and the main writ petition being still pending before the learned Single Judge, instead of approaching the Division Bench by way of appeal, if at all the State or the Commission was aggrieved, they could have filed a stay

vacation application along with their counter affidavits. The Letters Patent Appeal against an interim order as such may not be entertained and may be dismissed at the threshold.

17. In addition to the above preliminary objections, Shri Percy Kavina, learned Senior Counsel also submitted on merits that the learned Single Judge gave valid reasons for entertaining the writ petition and passing the interim order as otherwise the petition itself would have been rendered infructuous. Shri Kavina has supported the reasons given by the learned Single Judge as being just, sound and reasonable and in accordance to law. He has referred to the various provisions of the 1952 Act.

18. In addition to the above submissions, Shri Kavina raised a new argument for which he admitted that no foundation was laid in the petition, but according to him, as the issue now raised by him goes to the root of the matter, he had a right to raise it in appeal also. According to him, the State had no power to substitute or supplant Justice K.A.Puj, who

was appointed as the One Man Inquiry Commission vide Notification dated 11.08.2020 by Justice D.A.Mehta vide subsequent Notification dated 11.12.2020. According to Shri Kavina, a retired Judge of the High Court ought not to have been replaced at the whims and fancies of the State Government by another retired Judge of the High Court for no reason. Shri Kavina has placed strong reliance upon a judgment of the Supreme Court in the case of **State of Madhya Pradesh vs. Ajay Singh and others**, reported in (1993)1 SCC 302. Shri Kavina has drawn our attention to the relevant paragraphs of the said judgment for two purposes. Firstly that the member of the Commission could not be replaced, substituted or supplanted at the whims and fancies of the State and secondly that the Commission appointed under the 1952 Act was an independent agency and its independence ought to be respected and could not be compromised.

19. Shri Kamal Trivedi, learned Advocate General on behalf of the appellant - the State of Gujarat, submitted that the learned Single Judge had gravely erred in not appreciating the status and nature of



the Commission constituted under the 1952 Act. The Commission is a fact finding body constituted to examine the facts relating to the unfortunate incident which occurred on the 6<sup>th</sup> of August, 2020, as per the terms of reference.

20. It was further submitted by the learned Advocate General that the Commission is required to make an enquiry and perform its functions according to the terms of reference. It is neither adversarial nor adjudicatory. It does not decide any dispute but gives its opinion about the matter under reference to the concerned Government, which again may or may not be accepted by the Government. There is neither any accuser nor an accused. The whole purpose of constituting a Commission is to enable the State Government to gather facts. In one sense, it is a legal friend of the State. It is not required to adjudicate upon the rights of the parties and it has no adjudicatory functions. There is no *lis* involved. The report of the Commission is recommendatory in nature.

21. Shri Trivedi further submitted that the petitioners by virtue of two communications dated 01.02.2021 and 04.02.2021 were seeking certified copies of the entire material collected by the Commission during enquiry, to examine the same in the next four weeks and thereafter decide on the further course of action. The petitioners had also sought permission to visit the concerned hospital (which was sealed by the Corporation) with a private photographer to carry out their personal investigation. Considering the nature and status of the Commission, this clearly was impermissible. It is an inquiry to elicit facts and examine the cause of the incident, not meant for the purpose of furnishing information to the applicants collected in confidentiality. The pleas of the respondent Nos.1 and 2 for being served with the statements, documents and cross-examinations undertaken by the respondent Commission, run counter to the object of the inquiry and the provisions of the law. The Commission was thus correct in facts and in law in rejecting the two applications.

22. Further submission on behalf of the State is to the effect that the right of cross-examination as sought for by the petitioners, does not flow from any statutory provision. Sections 8B and 8C of the 1952 Act postulate the persons likely to be prejudicially affected being conferred with the right to being heard and the right of cross-examination being conferred on such persons. Section 8B of the 1952 Act refers to only such persons (i) whose conduct the Commission considers necessary to inquiry into during the course of inquiry and (ii) whose reputation is likely to be prejudicially affected by the inquiry. The learned Single Judge failed to appreciate that no summons were issued to respondent Nos.1 and 2 under Section 8B of 1952 Act and that the respondent Nos.1 and 2 could not, as a matter of right, claim to cross-examine witnesses or be examined.

23. It is further submitted that Section 8C of the 1952 Act confers the right of cross-examination on the following three categories: (i) the appropriate government, (ii) every person referred to under Section 8B and (iii) with the permission of the

Commission, any person whose evidence is recorded by the Commission.

24. It was submitted by the learned Advocate General that the petitioners are not falling under Section 8C of the 1952 Act. Neither are they persons whose evidence is recorded by the Commission. Those who are not likely to be prejudicially affected cannot be said to have any right to cross-examine any witness. Further such permission can normally be granted under Section 8C of the 1952 Act to only such person whose reputation is likely to be affected by the report of the inquiry, a person whose conduct is under scrutiny, or one who is prejudicially affected by the deposition of a witness called upon by the Commission to depose. The right of cross-examination under the 1952 Act is narrowly circumscribed. Not every witness who has chosen to depose before the Commission is conferred with the right of cross-examination. The proceedings of the Commission have to be controlled by the Commission and the petitioners whose rights are admittedly not likely to be prejudicially affected by the report of the Commission

cannot be permitted to cross examine whoever and whenever. Persons "affected" are not necessarily persons whose conduct is being examined or that they are being prejudicially affected.

25. Shri Trivedi further submitted that the learned Single Judge failed to take cognizance of the submission that in an earlier petition being Special Civil Application No.14157 of 2020 pending before a Division Bench, specific prayers have been made in connection with the permission to conduct a third-party survey of Shrey Hospital, by the relatives of the victims. The said prayer is reproduced hereunder:

*"...(N) That pending the hearing and final disposal of the present Petition, this Hon'ble Court be pleased to permit the relatives of the victims of Shrey Hospital Fire mishap to conduct a third-party survey of the ICU Ward through a team consisting of retired fire safety officials."*

26. The Hon'ble Division Bench dealing with Writ Petition (PIL) No.118 of 2020 and Special Civil Application No.14157 of 2020, specifically passed directions in its order dated 26.02.2021, not to remove or open the seals applied at the premises of

the Shrey Hospital. The Hon'ble Court directed as under:

*"(G) The Ahmedabad Municipal Corporation is directed not to remove or open the seals applied at the premises of the Shrey Hospital without the permission of this Court and shall not permit the Management to once again start with the functioning of the Hospital without the permission of this Court."*

27. The order passed by the Hon'ble Division Bench in Writ Petition (PIL) No.118 of 2020 and Special Civil Application No.14157 of 2020 on 26.02.2021, records the specific submission made by the petitioners therein regarding the non-supply of documents by the respondent Commission. The said submission has been recorded in para 14 of the order dated 26.02.2021 as under:-

*"14) Mr. Marshall has a very serious grievance to redress against the Commission appointed by the State Government under the Commission of Enquiries Act, 1952 to probe into the unfortunate incident that occurred at the Shrey Hospital. According to Mr. Marshall, the family members of the victims have been requesting to provide them with certain papers but the Commission, so far, has not thought fit to look into the matter or entertain the request made by the family members of the victims. Mr. Marshall prays that appropriate directions be issued in this regard."*

Shri Trivedi submitted that despite the aforesaid request, the Division Bench did not accept the same nor passed any orders thereon.

28. It was also submitted by the learned Advocate General that propriety demanded the learned Single Judge to have taken into consideration the pendency of the subject matter of the said proceedings before the Division Bench of this Court and despite a specific contention having been raised by the petitioners of Special Civil Application No.14157 of 2020 which is identical to the subject matter of the present proceedings and a Division Bench was dealing with the same along with Writ Petition (PIL) No.118 of 2020, the learned Single Judge did not accede to such contention and wrongly held that the cause espoused in the present petition is materially different.

29. It was submitted by the learned Advocate General that as discernible from the chronology of events during the course of hearing of Suo Motu Writ Petition (Civil) No.7 of 2020 before the Hon'ble

Supreme Court, taking *Suo Motu* cognizance of the incident of fire resulting in the death of 6 COVID patients in Covid Hospital at Rajkot on 27.11.2020. The Hon'ble Supreme Court was very critical about the incident of fire at Shrey Hospital, Ahmedabad and had inquired (i) *as to why no progress in the matter of inquiry had so far been made by the learned Commission into the incident of fire at Shrey hospital, Ahmedabad and (ii) as to why the State had extended the time limit by nine months in such extremely urgent and sensitive matter.*

30. In view of the aforesaid development before the Hon'ble Supreme Court in *Suo Motu Writ Petition (Civil) No.7 of 2020*, learned Member of the Commission, Hon'ble Mr. Justice K.A.Puj orally conveyed to the State Government that he has decided to resign as the Member of the Commission. In view thereof, the State Government informally consulted Hon'ble Mr. Justice D.A.Mehta, former Judge of the High Court of Gujarat, to accept the responsibility of the aforesaid Commission of Inquiry, also for Shrey Hospital.



31. On 09.12.2020, after hearing the parties in the aforesaid Suo Motu Writ Petition (Civil) No.7 of 2020, the Hon'ble Supreme Court passed the following order:

*"Mr. Tushar Mehta, the learned Solicitor General submits that with regard to Fire Safety Audit, a direction has been issued to all the States to constitute an appropriate Committee and compilation of all data is in process and shall be filed along with an affidavit within a period of three days from today.*

*He further submits that with regard to fire at the Covid Hospital, Rajkot, the Enquiry Committee chaired by justice D.A.Mehta has already been constituted, which is looking after the aforesaid incident. He further submits that fire accident which happened in Ahmedabad in Shrey Hospital may also be looked under the jurisdiction of the same Committee so that an early report may be submitted and appropriate measures may be taken with regard to hospitals where fire broke resulting in death of several patients. It will be open for the Government to do so by issuing appropriate notification.*

*As prayed by the learned Advocate General, he may file detailed affidavit within three days."*  
(emphasis supplied)

32. Shri Trivedi, learned Advocate General further submitted that pertinently, Hon'ble Justice K.A.Puj, addressed a communication to the State Government on 10.12.2020, expressing his inability to continue with the Commission. In view of the resignation of the

Hon'ble Member, the Commission was reconstituted vide Notification dated 11.12.2020 appointing Hon'ble Justice D.A.Mehta to complete the inquiry within 3 months. The said period was extended by another three weeks to conclude by the 31st of March, 2021. Pertinently, the aforesaid reconstitution of the Commission of Inquiry was neither by way of replacement nor substitution of the existing sole member with another person, but the said reconstitution was for the purpose of filling up the vacancy having arisen in the office of the Member of the Commission due to the resignation of Hon'ble Justice K.A.Puj.

33. In rejoinder, Shri Kavina, learned Senior Counsel appearing for the original writ petitioners, respondent Nos.1 and 2 in the appeal mostly reiterated his earlier submissions. However, insofar as the issue relating to invalidity of the notification dated 11.12.2020 is concerned, Shri Kavina submitted that in fact the State has very conveniently avoided to give the date of the facts mentioned at Sr.No.6 of the list of important dates.

He further submitted that it appears that the decision was already taken to replace Justice K.A.Puj by Justice D.A.Mehta as would be apparent from the order of the Supreme Court dated 09.12.2020. He further submitted that the subsequent notification dated 11.12.2020 appointing Justice D.A.Mehta as a One Man Commission was in fact a substitution/replacement of Justice K.A.Puj and in order to justify notification dated 11.12.2020, the State Government compelled Justice K.A.Puj to tender his resignation. Shri Kamal Trivedi, learned Advocate General submitted that the submission of Shri Kavina is totally baseless. He has himself been a part of the entire developments that have taken place after the order of the Supreme Court dated 27.11.2020. The State had asked for his assistance in making a dialogue both with Justice K.A.Puj once he expressed his desire to resign from the Commission and further to convince Justice D.A.Mehta to take up this inquiry also. We may only record here that such statement coming from the learned Advocate General has to be given due credibility and needs to be accepted.

34. We now proceed to deal with the respective arguments advanced by Shri Kavina as **preliminary objections** and thereafter we will deal with the other objections and issues.

**Maintainability of appeal at the instance of the**

**State :**

(a) A Commission appointed under Section 3(1) of the 1952 Act is for the purpose of making an inquiry into any definite matter of public importance and performing such functions and within such time as may be specified in the Notification and the Commission so appointed shall make the inquiry and perform the functions accordingly. This is exactly the language used in Section 3(1) of the 1952 Act. In the present case Justice Mehta Commission was appointed vide Notification dated 11.12.2020 to inquire into the unfortunate incident at the Shrey Hospital as per the terms of reference and submit its report within 3 months from the date of the said notification. Meaning thereby the report was to be submitted

on or before 10.03.2021. This term of 3 months was further extended vide Notification dated 25.02.2021 upto 31.03.2021.

(b) Our attention was drawn by Shri Trivedi, learned Advocate General to the proceedings before the Supreme Court in Suo Motu Writ Petition (Civil) No.7 of 2020. The specific reference was made to the orders dated 27.11.2020, 09.12.2020 and 18.12.2020.

(c) The Supreme Court in the hearing dated 27.11.2020 had expressed its displeasure as to why no progress in the matter of inquiry with regard to the incident of fire at Shrey Hospital had been made so far by the Commission and further as to why the State had extended the time limit by 9 months in such an extremely urgent and sensitive matter. Further in the proceedings dated 18.12.2020, the Supreme Court had very clearly directed the State to extend all cooperation to the Commission so that the inquiry report may be submitted by the Commission at an early date whereupon

appropriate measures may be taken by the State based on the recommendations that may be made by the Commission.

- (d) In the above background, we find force in the submission of Shri Trivedi that it is the State which is under an obligation and also under direct supervision of the Supreme Court to ensure that the Commission gets complete cooperation and further that the report is submitted at the earliest and the State proceeds to act upon it.
- (e) Law is well-settled that an Inquiry Commission constituted under the 1952 Act is neither adversarial nor does it determine the *lis* or rights of any of the parties. It is only a fact-finding machinery given a statutory status. The Commission is constituted for the purpose of assisting the State to find out the truth and also based upon its recommendations to take appropriate action, be it remedial, coercive or of whatever nature as may be

necessary. If at the fag end of the term of the Commission which was only upto 31.03.2021, an injunction is granted on 19.03.2021 restraining the Commission from submitting the report, the very purpose of not only the 1952 Act requiring the Commission to submit the report within the time-frame allowed to it would be frustrated but also would be in the teeth of the observations made by the Supreme Court. The State would be held accountable for that and in such circumstances, it would be the State and State alone which could take up the cause of the Commission where the Commission has already completed the inquiry and prepared the report. It was only required to submit the same.

- (f) There is one more reason why the appeal would be maintainable at the instance of the State as it being a directly affected party. The powers under Section 3(1) of the 1952 Act have been invoked by the State Government. The notification dated 11.12.2020 allowed three months' time to Justice Mehta Commission to

submit its report. Thereafter, vide notification dated 25.02.2021, the term of Justice Mehta Commission was extended upto 31.03.2021 and submit its report on or before the said date. If the State did not challenge the order of the learned Single Judge and as the learned Single Judge has already fixed 5<sup>th</sup> April 2021 as the returnable date in the petition, the State would have to issue a further notification extending the term of Justice Mehta Commission. The State was already taken to task by the Supreme Court as stated by the learned Advocate General and also apparent from the records. The State would be answerable to the Supreme Court in case it did not file the appeal immediately and to press it by requesting for priority considering the time frame.

- (g) For all the reasons recorded above, we do not find any substance in the submission of Shri Kavina that the appeal would not be maintainable at the instance of the State.



**Objection relating to the appearance of State Law****Officers for the Commission :**

(h) The next contention of Shri Kavina, learned Senior Counsel is that designated Senior Advocates who are also Law Officers representing the cause of the State cannot defend the impugned order of the Commission as it would amount to taking away of the independence of the Commission, inquiring into the cause of fire, in a private Covid-19 dedicated hospital. The inherent fallacy in the argument lies in the fact that it is not a Government Law Officer but designated Senior Advocate who has represented the Commission. Clearly there is no conflict of interest nor does there exist any such bar. A Commission headed by a Former Senior Judge of the High Court if represented by a Senior Advocate cannot be presumed to be easily influenceable. Merely because a State Law Officer who is also a designated Senior Advocate represents the Commission as a Senior Counsel, would not in

any way be in conflict with the independent status of the Commission. The Commission is nothing but an extended limb of the Government to assist the Government in finding out the truth of an incident having wider public importance or ramifications. The Commission notified under the Act does not function on the faith reposed by the petitioners seeking to derive material from the Commission to suit their own ends. This objection therefore fails.

**Order of learned Single Judge being interim in nature appeal may not be entertained :**

- (i) There is no bar or prohibition that a Letters Patent Appeal cannot be entertained against an interim order. It all depends on the facts and circumstances of each case. It is true that generally the appeal may not be entertained against an interim order and the parties may be relegated to the learned Single Judge for the final adjudication on the merits of the matter or on stay vacation application or a modification application as the case may be or

an application under Article 226(3) of the Constitution. However, in given cases where the learned Single Judge may have committed serious illegality or where the observation or finding recorded by the learned Single Judge may have the effect of determining the *lis* or the rights of the parties or where serious injury is likely to be caused to any of the parties or where an interim order is passed in a petition otherwise not maintainable, an appeal can always be entertained. In the present case, the learned Single Judge not only committed serious illegality but also *prima facie* decided the status of the parties. We thus reject this preliminary submission.

**Notification dated 11.12.2020 being invalid :**

- (a) The petitioners have at no stage challenged the reconstitution of the Commission of Inquiry vide Notification dated 11.12.2020. There is no such prayer prayed for in the petition. In view of the reconstitution of the Commission being entrusted to the same Hon'ble Judge, entrusted

with the inquiry in another fire incident in a Covid Hospital at Rajkot, it cannot be contended as sought to, by the counsel for the petitioners that the State Government "replaced" the existing sole member. On the face of it, these allegations are devoid of any merit. Noticeably the events referred to hereinabove were brought to the notice of the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No.7 of 2020, a matter still pending before the Hon'ble Supreme Court. Every development as regards the constitution and working of the Commission has been placed on record.

- (b) This argument of Shri Kavina raised on behalf of the petitioners, if could be supported by facts, may be would have some substance in the light of the judgment of the Supreme Court in the case of **State of Madhya Pradesh vs. Ajay Singh (supra)**. However, unfortunately no foundation whatsoever on facts or law has been laid down in the petition. On the contrary, the facts as narrated by the learned Advocate General and also

provided by way of a written list of important dates of the appellant State, a copy of which has been provided to learned Senior Counsel Shri Kavina also, clearly mention that it was in fact not replacement of Justice K.A.Puj by Justice D.A.Mehta, but it was on account of a vacancy having arisen that the State had to issue a fresh notification appointing Justice D.A.Mehta, retired Judge of the Gujarat High Court, in supersession of the earlier notification appointing Justice K.A.Puj as the One Man Commission. The Notification dated 11.12.2020 nowhere mentions replacement of Justice K.A.Puj by Justice D.A.Mehta, but it clearly mentions that in supersession of the earlier Notification dated 11.08.2020, the State Government exercised powers under Section 3(1) of the 1952 Act to appoint Justice Mehta, the terms of reference being the same and being again reproduced in the subsequent Notification dated 11.12.2020. Thus, the judgment in the case of **State of Madhya Pradesh vs. Ajay Singh (supra)** for the above proposition would have no application in the

facts of the present case. This submission also therefore fails in the facts of the case.

35. **Merits of the order of the learned Single Judge:**

There is no denying the fact that the learned Single Judge while exercising extraordinary jurisdiction has the power to pass an interim order, whatever be the nature of the order. The first and foremost principle of passing an interim order is as to whether the three basic ingredients required for passing a restraint order or an injunction are existing or not, namely, *prima-facie* case, balance of convenience and irreparable loss. These are the three ingredients which need to be scrutinized and examined by a Court before granting an order of injunction. In the present case, the injunction granted is restraining Justice Mehta Commission from submitting its report. The learned Single Judge failed to record findings on the above three basic ingredients.

36. For the State as also the Commission, it is a race against time. In matters of such statutory public inquiries, time is the essence. Both the State Government as also the Commission were under the

scanner of the Supreme Court in Suo Motu Writ Petition (PIL) No.7 of 2020 to ensure that the report is submitted in time and at the earliest. The time was to expire on 31.03.2021. The Commission had rejected the applications of the writ petitioners dated 01.02.2021 and 04.02.2021 on 05.02.2021 and the said order of the Commission was communicated to the petitioners on 08.02.2021. The petitioners waited for a month before they presented the petition on 9<sup>th</sup> March 2021. The report was already ready as stated by Shri Trivedi, learned Advocate General. The learned Single Judge at such a stage ought not to have passed an injunction at the last hour when the inquiry was already complete and the report of the Commission was ready and hardly ten to twelve days were left for the term of the Commission to end.

37. The observations of the learned Single Judge on the order of the Commission that the applications moved by the writ petitioners were to delay the inquiry and was in fact dilatory tactics being adopted by them to be incorrect also cannot be sustained inasmuch as the petitioners not only asked

for the complete set of papers from the Commission but also demanded four weeks' time for them to examine the papers and thereafter to decide further course of action and submit their case before the Commission which means that after supplying the documents in whatever bulk it was, the Commission would have waited for four weeks when the time itself was running out and was due to expire on 10.03.2021 on the date the applications were made. Thus, the Commission would still be lingering and struggling to receive the response from the petitioners even at the time when its term was to expire. The term of the Commission was extended much later upto 31.03.2021 vide notification dated 25.02.2021.

38. We are not deliberating upon the issue as to whether the writ petitioners would fall within any of the categories mentioned in Section 8(B) or Section 8(C) of the 1952 Act, although the learned Senior Counsels for the parties not only referred to the statutory provisions but also to the relevant case laws. However, we are not entering into this issue for the reason that the writ petition is still



pending before the learned Single Judge where the status of the petitioners would ultimately be determined. Even if the petitioners had any right available to them, they could have challenged the report of the Commission in appropriate proceedings at an appropriate stage, if permissible in law. But they preferred to stall the Commission from proceeding further and by injuncting the Commission from submitting its report would be causing obstruction in the entire process at an interim stage which is otherwise not permissible in law when admittedly the petitioners do not fall in any of the two categories of Section 8B of the 1952 Act. Merely because the petition was maintainable and required lengthy hearing would not automatically invite an interim order. Passing of an interim order and that too in case of such a sensitive nature at the fag end of the term of the Commission, would not be in the public interest.

39. The learned Single Judge ought to have considered that a Division Bench hearing a Writ Petition (PIL) No.118 of 2020 and a connected Special

Civil Application No.14157 of 2020 details of which we have already referred to above and also find place in the order of the learned Single Judge, dealing with similar issue of providing the material and also inspection of the Shrey Hospital, being seized of the matter, the learned Single Judge ought not to have overreached the said proceedings by restraining the Commission from submitting the report.

40. The petitioners' rights were not being adjudicated by the Commission. The Commission was inquiring into the sequence of events leading to the event of fire at the Shrey Hospital; the adequacy of the fire safety measures at the hospital; to find out the negligence or breach of duty on part of any one or more authorities or individuals and to recommend suitable measures. No loss was to be suffered by the petitioners on submission of the said report. All other rights of the petitioners with respect to the loss of lives of their relatives are still available to them.

41. The learned Single Judge has placed reliance upon the observations made by the Division

Bench in its order dated 12.10.2012 passed in Writ Petition (PIL) No.216 of 2012 and has reproduced paragraph 5 thereof. It was the submission of Mr. Trivedi that facts of the said case were quite different and distinct and the observations made by the Division Bench in its order dated 12.10.2012 would have no application to the facts of the present case. It is to be noted that the said Commission of Inquiry in the Writ Petition (PIL) No.216 of 2012 was with respect to the conduct of an IPS Officer and the said IPS Officer was writ petitioner in the said PIL and, therefore, he was squarely covered by Section 8(B) of the 1952 Act and in such circumstances, the Division Bench allowed and required the Commission to provide him the records to defend himself. However, in the present case, the writ petitioners' conduct was neither being inquired into nor their reputation would be prejudicially affected by the inquiry. Thus also, the learned Single Judge erred in relying upon the said observations made in paragraph 5 of the order of the Division Bench dated 12.10.2012. Deriving the analogy of interested and affected persons from the aforesaid observations was prima

facie not justified. We neither find any prima-facie case nor balance of convenience nor irreparable loss in favour of the petitioners which would have warranted passing of the injunction order.

42. In view of the above, we are satisfied that the learned Single Judge fell in error in passing the injunction order. Accordingly, the appeal is allowed. The order of the learned Single Judge dated 19.03.2021 insofar as it grants interim relief in terms of paragraph 6(C) of the petition, is set aside. The Commission would be free to proceed to submit the report. Rule is made absolute. The parties would be free to get their rights adjudicated before the learned Single Judge. Consequently, the connected Civil Application stands disposed of.

43. Shri Percy Kavina, learned Senior Counsel at the time of conclusion of the hearing on 25<sup>th</sup> March, 2021 had made a request that in the event of there being a likelihood of the appeal being allowed, the interim order granted by the learned Single Judge be extended for a period of four weeks to enable the writ petitioners to avail further remedy. Considering

the facts and circumstances of the case and for the reasons recorded in the order, we are not inclined to accept such request of Shri Kavina, learned Senior Counsel.

(VIKRAM NATH, CJ)

(BHARGAV D. KARIA, J)

GAURAV J THAKER/RADHAN

