

ITEM NO.302

COURT NO.1

SECTIONS XIV/PIL(W)

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

Petition for Special Leave to Appeal (C) No.10911/2021

(Arising out of impugned final judgment and order dated 09-07-2021 in WP(C) No. 6313/2021 passed by the High Court of Delhi at New Delhi)

STATE BAR COUNCIL OF MADHYA PRADESH

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

([ONLY CONTEMPT PETITION (C) NO. 708/2021 IN W.P.(C) NO. 502/2021 IS LISTED UNDER THIS ITEM.] )

WITH

CONMT.PET.(C) No. 708/2021 in W.P.(C) No. 502/2021 (PIL-W)  
(IA No. 125229/2021 - AMENDMENT OF THE PETITION)

Date : 16-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s)

Mr. Mahesh Thakur, AOR  
Mr. Kaushik Mishra, Adv.  
Mr. Ajay Kanojiya, Adv.  
Ms. Vipasha Singh, Adv.

Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Siddharth R. Gupta, Adv.  
Mr. Mrigank Prabhakar, AOR  
Ms. Sakshi Banga, Adv.  
Ms. Vriti Gujral, Adv.

For Respondent(s)

Mr. K.K. Venugopal, AG  
Mr. Kanu Agrawal, Adv.  
Mr. Saurabh Mishra, Adv.  
Ms. Vanshja Shukla, Adv.  
Ms. Priyanka Das, Adv.  
Mr. Chinmayee Chandra, Adv.  
Mr. Ankur Talwar, Adv.

Mr. Zoheb Hussain, Adv.  
Mr. Siddhanth Kohli, Adv.  
Ms. Shraddha Deshmukh, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. Raj Bahadur Yadav, AOR

Mr. Kush Chaturvedi, AOR  
Ms. Priyashree Sharma PH, Adv.  
Ms. Rushali Agarwal, Adv.  
Mr. Syed Faraz Alam, Adv.

Mr. Kartik Seth, Adv.  
Mr. Siddharth Seth, Adv.  
Ms. Shriya Gilhotra, Adv.  
Ms. Garima Saxena, Adv.  
For M/s. Chambers Of Kartik Seth, AOR

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

CONMT.PET.(C) No. 708/2021 in W.P.(C) No. 502/2021:-

Heard Mr. Mahesh Thakur, learned Advocate-on-Record appearing for the petitioners and Mr. K.K. Venugopal, learned Attorney General for India appearing for the alleged contemnors/respondents at considerable length.

Issue notice, returnable after four weeks.

The personal presence of the alleged contemnors is dispensed with for the time being.

As prayed for by the learned Attorney General for India, the name of Respondent No.1 – Mr. Rajeev Gauba, Cabinet Secretary, is deleted from the array of parties.

Let the cause title be amended accordingly.

We are informed by the learned Attorney General that 37 vacancies were advertised in the Income Tax Appellate Tribunal. The Search-cum-Selection Committee of the Supreme Court recommended 28 names, out of which 16 persons are being considered for appointment as Members – Judicial and 6 persons as Members-Technical. The learned Attorney General assures us that the appointments would be made by the end of this month.

So far as the remaining recommended names are concerned, the learned Attorney General submits that the Government has not yet cleared the names due to certain inputs received from IB Report(s) as also Medical Report(s) which are still being examined.

In view of the same, we direct the learned Attorney General to produce the concerned file on the next date of hearing and place the same before the Bench for its perusal.

The Respondents are at liberty to file a counter affidavit in the meantime, if necessary.

Special Leave Petition (C) No.10911/2021:-

Heard Mr. Nidhesh Gupta, learned Senior counsel appearing for the petitioner and Mr. K.K. Venugopal, learned Attorney General for India.

Learned Senior counsel appearing for the petitioner has brought to our notice the difficulty being faced by parties on account of non-appointment of members in DRTs and DRATs.

He requested that the matters before DRT and DRAT can be directed to be considered by other Tribunals like Central Administrative Tribunal, Armed Forces Tribunal and Industrial Tribunal within the State.

With a view to resolve the problem being faced by the parties, for the time being and purely as a stop-gap arrangement, we request the concerned High Court(s) to entertain the matters falling within the jurisdiction of DRTs and DRATs under Article 226 of the Constitution of India, till further orders.

We make it clear that once the Tribunal(s) is/are constituted, the matters can be relegated to the Tribunals by the High Court(s).

List the matter on 21-1-2022.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

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