

ITEM NO.11 Court 4 (Video Conferencing) SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s).20586/2021

(Arising out of impugned final judgment and order dated 17-11-2021 in MAT No. 970/2021 passed by the High Court at Calcutta)

THE STATE OF WEST BENGAL

Petitioner(s)

VERSUS

SUVENDU ADHIKARI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.163996/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 03-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Dr. Menaka Guruswamy, Sr. Adv.
Mr. Suhaan Mukerji, Adv.
Mr. Sanjay Basu, Adv.
Mr. Vishal Prasad, Adv.
Mr. Soumen Mohanty, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Yash S Vijay, Adv.
Mr. Sivagnanam Karthikeyan, Adv.
for M/S. Plr Chambers And Co.

For Respondent(s) Mr. P.S.Patwalia, Sr Adv.
Ms. Bansuri Swaraj, Adv.
Mr. Mr. Siddhesh Kotwal, Adv.
Ms. Manya Hasija, Adv.
Ms. Pragya Barsaiyan, Adv.
Mr. Rajdeep Majumder, Adv.
Mr. Sourav Chatterjee, Adv.
Mr. Billwadal Bhattacharya, Adv.
Ms. Ana Upadhyay, Adv.
Mr. Akash Singh, Adv.
Mr. Moyukh Mukherjee, Adv.

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

- 1 The interim order of the Single Judge of the High Court at Calcutta dated 6 September 2021 in WPA No 11803 of 2021 was challenged before this Court in Special Leave Petition (Crl) No 9251 of 2021. The order of this Court dated 13 December 2021, while disposing of the Special Leave Petitions is extracted below :

- “1 The Special Leave Petitions under Article 136 of the Constitution arise from an interim order dated 6 September 2021 of a Single Judge of the High Court at Calcutta in WPA No 11803 of 2021. The Single Judge has permitted affidavits-in-opposition to be filed within a period of four weeks and the reply, if any, to be filed within two weeks thereafter. As of date, the State of West Bengal and the Investigating Officer are yet to file their replies.
- 2 The prima facie observations of the High Court at this stage are in support of the ad - interim stay which has been granted. Since the High Court is seized of the proceedings, and the Special Leave Petitions arise from an interlocutory order, we are not inclined to exercise the jurisdiction of this Court under Article 136 of the Constitution.
- 3 We, however, leave it open to the petitioners to file their affidavits-in-opposition before the High Court. Thereafter, the High Court may either consider taking up the petition under Article 226 of the Constitution for expeditious final disposal or, in the event that it is not possible to do so, to consider any application that may be filed for modification of the interim order based on the material which is produced by the Investigating Officer in the affidavit-in-opposition.
- 4 This Court has not expressed any final opinion on the merits of the issues which will arise in the pending writ petition before the High Court.
- 5 Subject to the aforesaid directions, the Special Leave Petitions are disposed of.
- 6 Pending applications, if any, stand disposed of.”

- 2 The present Special Leave Petition arises out of a judgment of the Division Bench

declining to entertain a Letters Patent Appeal¹ against the order of the Single Judge.

- 3 Dr Menaka Guruswamy, senior counsel appearing on behalf of the petitioner, submits that the only issue which is raised in the present Special Leave Petition is in regard to the maintainability of the LPA.
- 4 Since the order of the Single Judge dated 6 September 2021 was assailed before this Court in Special Leave Petition (Crl) No 9251 of 2021, the issue as regards the maintainability of the Letters Patent Appeal pales into insignificance. The parties will be governed by the order which was passed by this Court on 13 December 2021.
- 5 In view of the above clarification, it is not necessary or appropriate to entertain the Special Leave Petition. The Special Leave Petition is accordingly dismissed.
- 5 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

¹“LPA”