

W.P(C)No. 63 OF 2004

ITEM No.23

Court No. 1

SECTION PIL

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

I.A. No. 3 in Writ Petition(Civil) No.63 of 2004

SANDEEP PAREKH & ORS.

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(For modification of Court's order and office report)

Date : 19/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)Mr. Harish N Salve, Sr.Adv.
Mr. P.H. Parekh, Adv.
Mr. Sameer Parekh, Adv.
Mr. E.R. Kumar, Adv.
Ms. Ranjeeta Rohtagi, Adv.
for M/s. P.H. Parekh and Co., Adv.

For Respondent (s)Mr. Mukul Rohtagi, ASG
Mr. Saurab Kirpal, Adv.
Ms. Anil Katiyar, Adv.

Mr. S.U.K. Sagar, Adv.
Ms. Bina Madhavan, Adv.
Mr. Bikas Kumar Gupta, Adv.
Ms. Pooja Nanekar, Adv.
Ms. Anupama, Adv.

...2/

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

When this matter was taken up on 27th February, 2004, Shri Harish N. Salve, learned senior counsel appearing for the petitioners stated that he has no quarrel with the lowering of the fees, if the Central Government gives an undertaking that the autonomy of the Institutions shall not be interfered with and appropriate funds would also be provided to those Institutions. However, while dictating the order the word 'undertaking' could not be incorporated in the order dated 27th February, 2004. Under such circumstances, the petitioners have moved this interlocutory application for recording 'undertaking' in the order dated 27th February, 2004 or to recall the order dated 27th February, 2004. This interlocutory application was listed on 12th March, 2004, when Shri Rohtagi, learned Additional Solicitor General took a week's time to obtain instructions from the Central Government and as such the matter has come up today.

When the case was taken up today, learned Additional Solicitor General accepted the notice, of the application and stated that the Central Government is unable to give any undertaking except what the statement was recorded on 27th February, 2004. Since there is a controversy in regard to giving an undertaking by the Central Government, we recall the order dated 27th February, 2004.

...3/-

-3-

Consequently, the order dated 16th February, 2004, is revived. The petitioners may now file an affidavit alongwith the other documents, as directed earlier. Shri Harish N. Salve, learned senior counsel further prayed that he may also be permitted to implead all IIMs. He may do so by filing interlocutory application.

List this matter on 8th April, 2004.

[Alka Dudeja]
Court Master

[Janki Bhatia]
Court Master