

FC
ITEM NO.1 COURT NO.2 SECTION XV/
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 (Civil) No(s).16308/2007
(From the judgement and order(s) dated 29/08/2007 in CWP No.1966/200 of The
HIGH COURT OF RAJASTHAN AT JAIPUR)

ANKUR GUTKHA Petitioner(s)

VERSUS

INDIAN ASTHAMA CARE SOCIETY & ORS. Respondent(s)

(With appln.(s) for directions and interim directions and intervention and
impleadment and with prayer for interim relief and office report)

With

SLP(C)No.16314/2007

(With appln.(s) for exemption from filing c/c of the impugned judgment and
with prayer for interim relief and office report)

SLP(C)No.16317/2007

(With appln.(s) for exemption from filing c/c of the impugned judgment and
with prayer for interim relief and office report)

SLP(C)No.19467-19469/2007

(With appln.(s) for directions and clarification and impleadment and
directions and exemption from filing O.T. and permission to file affidavit
and clarification/direction and with prayer for interim relief and office
report)

W.P.(C)No.131/2011(With office report)

W.P.(C)No.141/2011(With office report)

Conmt.Pet.(C)No.236/2011 In SLP(C) No.16308/2007(With office report)

W.P.(C)No.289/2011(With office report)

Conmt.Pet.(C)No.288/2011 In SLP(C) No.16308/2007

Conmt.Pet.(C)No.348/2011 In SLP(C) No.19467-19469/2007

Conmt.Pet.(C)No.356/2011 In SLP(C) No.16308/2007

W.P.(C)No.344/2011,

W.P.(C)No.69/2011

(With appln.(s) for directions and impleadment and office report)

Contempt Petition) No.37/2012 in SLP 16308/2007

W.P.(C) No.182/2011(With office report)

W.P.(C) No.354/2011, W.P.(C) No.330/2011

(With appln.(s) for interim relief and office report)

W.P.(C) No. 304 of 2011

(with appln(s) for amendment of the petition and office report)

Date: 24/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C. NAGAPPAN

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

During the pendency of S.L.P.(C) No.16308 of 2007 Ankur Gutka v. Indian Asthama Care Society and others and three connected matters, a number of writ petitions were filed which were heard with the special leave petitions.

'Health for Million' and 'Doctors for You' filed writ petitions under Article 32 of the Constitution for imposing total ban of manufacture, distribution and sale of tobacco/smokeless tobacco, gutka, pan masala and similar articles. This Court declined to entertain Article 32 petitions but granted leave to the petitioners to file interlocutory applications in the pending matters. Thereafter, both 'Doctors for You' and 'Health for Million' filed I.A. No.49/2013 in S.L.P.(C) No.16308 of 2007 and I.A. Nos. 55-57 of 2013 in S.L.P.(C) Nos.19467-19469 of 2007 respectively which were entertained.

Although copies of the interlocutory applications were supplied to the counsel for the opposite parties, formal notice was not issued by the Court under the impression that all the parties have notice of the same.

Arguments in the matters were heard by different Benches of which one of us (G.S. Singhvi, J.) was a member on different dates. In the two interlocutory applications also the arguments were heard from 1.10.2013 with the intermittent breaks.

When the hearing started on last Tuesday, Shri Sudhir Chandra, learned senior counsel appearing for some of the manufacturers submitted that his clients may be given time to respond to the applications filed by Doctors for You and Health for Millions. His request was accepted and two days' time was granted for the purpose. The Court made it clear to Shri Chandra that reply affidavits can be filed during the course of hearing.

Yesterday, Shri Ranjit Kumar, learned senior counsel was to commence his submissions in the post-lunch session but he made a request for adjustment by stating that he remained busy in the pre-lunch session before the Green Bench. His request was accepted and the case was posted for today.

Today, Shri Ranjit Kumar complained that copy of the interlocutory application filed by 'Doctors for You' has not been made available to him and that in the absence of formal notice of the two applications, his client did not file a response.

Although, the objection taken by Shri Ranjit Kumar is ultra technical, with a view to obviate misgiving of all the parties, we direct issue of notice in all the pending interlocutory applications, copies of which have been made available to the learned counsel appearing on their behalf. Liberty is given to the parties to file their response within next four days.

