

ITEM NO.301(PH)

COURT NO.7

SECTION IV

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

Civil Appeal No(s). 6079/2017

M/S. GOYA RESORTS PVT LTD

Appellant(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IA No. 182137/2023 - INTERVENTION APPLICATION)

WITH

C.A. No. 6081/2017 (IV)

C.A. No. 6068/2017 (IV)

C.A. No. 6067/2017 (IV)

C.A. No. 6069/2017 (IV)

C.A. No. 6080/2017 (IV)

C.A. No. 6086-6089/2017 (IV)

C.A. No. 6070/2017 (IV)

C.A. No. 6074-6075/2017 (IV)

C.A. No. 9014/2017 (IV)

Date : 25-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Appellant(s)

Mr. Dhruv Mehta, Sr. Adv.

Mr. Yashraj Singh Deora, Sr. Adv.

Mr. Priyesh Mohan Srivastava, Adv.

M/S. Mitter &amp; Mitter Co., AOR

Mr. H.S. Phoolka, Sr. Adv.

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Mr. Atul Dong, Adv.

Mr. Aniket Patel, Adv.

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 Ms. K. Enatoli Sema, AOR  
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 Mr. Prang Newmai, Adv.  
 Ms. Nitya Nambiar, Adv.

Ms. Jyoti Mendiratta, AOR

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 Ms. Swati Bhardwaj, Adv.  
 Ms. Aadya Malik, Adv.  
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 Mr. Naik H.k., Adv.  
 Mr. Ajit Singh, Adv.  
 Mr. Ashok Kumar Panigrahi, Adv.

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 Ms. Nayan Gupta, Adv.

Mr. Ashok K. Mahajan, AOR

Mr. Amit Dayal, AOR

Mr. A. Venayagam Balan, AOR

For Respondent(s) Mr. R Venkataramani, Attorney General for India  
 Mr. K M Nataraj, A.S.G.  
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 Mr. Santosh Kumar, Adv.  
 Ms. Indira Bhakar, Adv.  
 Mr. Vinayak Sharma, Adv.  
 Mr. Chitvan Singhal, Adv.  
 Mr. Raman Yadav, Adv.  
 Mr. Abhishek Kumar Pandey, Adv.  
 Mr. Kartikay Aggarwal, Adv.  
 Mr. Mukesh Kumar Singh, Adv.  
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 Dr. N. Visakamurthy, AOR

Mr. Nidhesh Gupta, Sr. Adv.  
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 Ms. Vriti Gujral, Adv.  
 Mr. Bikram Dwivedi, Adv.  
 Mr. G. Balaji, AOR

Mr. Vikas Dhawan, Sr. Adv.  
Mr. Ajiteshwar Singh, Adv.  
Mr. Ninad Dogra, AOR

Mr. Gaurav Dhama, A.A.G.  
Ms. Baani Khanna, AOR  
Mr. Robin Sigh, Adv.  
Mr. Rohit Kumar, Adv.  
Mr. Govinda Choudhary, Adv.

Mr. Akshay Amritanshu, AOR  
Mr. Samyak Jain, Adv.  
Ms. Drishti Saraf, Adv.  
Ms. Pragya Upadhyay, Adv.

Mr. Rohan Thawani, Adv.  
Ms. Pooja Dhar, AOR  
Ms. Aakriti Vikas, Adv.

Mr. Ajay Pal, AOR

Mr. Ashok K. Mahajan, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. Arvind Kumar Sharma, AOR

Ms. Anubha Agrawal, AOR

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

On 16.05.2024, following order was passed :

"A note running into five pages has been submitted by learned Attorney General with respect to review of the Works of Defence Act, 1903 (for short, 'WoDA'). The same is kept on record.

The said note is basically of the developments which are taking place in the meantime by the Committee constituted as recorded in the previous orders.

Today, a request has been made by learned Attorney General that as there is going to be a formation of new government in the month of June, 2024, some reasonable time may be granted to new government to consider and finalize the provisions of WoDA, either by appropriate amendment(s) in the Act or by framing Rules,

which may be in conformity with the constitutional mandates.

He further submits that insofar as individual cases of the appellant(s) with regard to their immediate problems are concerned, upon representations being made, the same would be considered expeditiously or within any reasonable time granted by this Court from the date of submission of the representation.

Considering the said submissions, we grant four months' time on the outer side to the respondent(s) to come up with their respective statutory provisions.

It is made clear that on the next date whatever material would be available before the Court, the Court will proceed to decide these cases on merits.

We further direct the appellant(s) to submit their representations to the Secretary, Ministry of Defence, which shall be considered and appropriate decision be taken on the said representation(s) in accordance to law within a period of two months from the date of receipt of such representation(s).

For the said purpose, the Secretary, Ministry of Defence, would be at liberty to call for records, get inspections and make such other inquiry, as may be required, from the concerned parties.

Let these matters be listed on 25.09.2024 on top of the Board before this Bench. If this Bench is not available on that day, a Special Bench may be constituted at 2:00 p.m. after obtaining due orders from Hon'ble the Chief Justice."

Today, learned Attorney General, upon instructions, has requested for further time to place on record the Rules, which according to him, have already been drafted but still not notified.

Further, a submission has been made by learned

Attorney General that this Court may not examine the *vires* of the Works of Defence Act, 1903 (for short, 'the Act') as there was no challenge to the same before the High Court and the basic pleadings required for challenging the *vires* of an Act are missing, as such, the respondents are in difficulty as to how would they defend their Act without there being any pleadings to counter it.

We may record here that, almost a year ago, the issue relating to the challenge to the *vires* of the Act was brought up, in our orders dated 09.08.2023 and 20.09.2023. Thereafter, on number of occasions, time was sought for sorting out the issue by looking into as to whether the issue could be resolved by way of an amendment or by bringing necessary Rules.

In the last order, i.e. 16.05.2024, we had made it clear that whatever decision is taken should be placed on record and, henceforth no further time would be granted and the Court would proceed to decide these cases on merits.

We also make it clear that the issue of challenge to the *vires* of the Act has been lingering since over last one year and the points on which challenge was made had also been provided by the appellant(s) to the respondent-Union of India long back and the pleadings in the petitions before the High

Court and this Court would be enough for deciding as to whether the challenge to the *vires* of the Act can be sustained or not.

Accordingly, we direct that these matters be now listed as part-heard on 16.10.2024 at 2:00 p.m. for hearing on merits of individual cases as also on *vires* of the Act.

In the meantime, parties may file additional documents, if any.

Registry may place the papers before Hon'ble the Chief Justice for getting appropriate orders for constitution of the Bench on the said date.

(NEETU KHAJURIA)  
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILY)  
COURT MASTER