

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).17701/2012

(From the judgement and order dated 17/05/2012 in DBCWP No.6039/ 2011 of  
The HIGH COURT OF RAJASTHAN AT JAIPUR)

JAL MAHAL RESORTS P.LTD.

Petitioner(s)

VERSUS

K.P.SHARMA & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and permission  
to file synopsis and list of dates and exemption from filing O.T. and with  
prayer for interim relief and office report)

WITH SLP(C) NO. 19239 of 2012

(With appln.(s) for permission to file lengthy list of dates and with  
prayer for interim relief and office report)

SLP(C) NO. 19240 of 2012

(With appln.(s) for permission to file lengthy list of dates and directions  
and with prayer for interim relief and office report)

SLP(C) NO. 22467 of 2012

(With appln.(s) for permission to file lengthy list of dates and with  
prayer for interim relief and office report)

SLP(C) NO. 22820 of 2012

(With appln.(s) for permission to file lengthy list of dates and with  
prayer for interim relief and office report)

SLP(C) NO. 24341 of 2012

(With appln.(s) for permission to file lengthy list of dates and with  
prayer for interim relief and office report)

Date: 05/02/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s)

Dr. A.M.Singhvi, Sr.Adv.  
Mr. Shyam Divan, Sr.Adv.  
Mr. Kamaldeep Dayal, Adv.  
Mr. Ankur Saigal, Adv.  
Mr. Abhinav Agrawal, Adv.  
Mr. Arvind Jain, Adv.  
Mr. Harsh Kulshrestha, Adv.  
Mr. E.C. Agrawala, AOR

Ms. Ruchi Kohli, Adv.

For Respondent(s)

Mr. S.P.Singh, Sr.Adv.  
Mr. Mohan Prasad Gupta, Adv.  
Mr. S.Nagarajan, Adv.  
Mr. S.N.Terdal, Adv.  
Mr. B. Krishna Prasad, Adv.

Mr. Aruneshwar Gupta, Adv.

Mr. Jaydeep Gupta, Sr. Adv.  
Mr. Irshad Ahmad, AOR

Mr. K.B. Rohtagi, Adv.  
Mr.Mahesh Kasana, Adv.  
Ms.Aparna Rohatgi Jain, Adv.

Mr. Avinash Kumar, Adv.

Mr. Mukul Kumar, Adv.

Mr. P.S. Narsimha, Sr. Adv.

Mr. Ajay Choudhary, Adv.

Mr. Ankit R.Kothari, Adv.

Mr. Ajay Singh, Adv.

Mr. Ishan, Adv.

Mr. Rakesh Dahiya, Adv.

Mr. Aditya Jain, Adv.

Brig. M.L. Khatter, Adv.

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

SLP(C) No. 17701/2012, SLP(C) No. 19239/2012, SLP(C) No. 19240/2012

Hearing concluded.

Judgment reserved. Written submissions may be filed by the parties within two weeks.

SLP(C) No. 22467/2012, SLP(C) No. 22820/2012, SLP(C) No. 24341/2012

Learned senior counsel, Mr. Jaydeep Gupta, appearing for State of Rajasthan, which was earlier represented by learned Attorney General, had already advanced and concluded his arguments.

However, the petitioner-State has now filed an application for withdrawal of the special leave petitions filed by the State of Rajasthan and in view of the averments made therein, has sought permission to withdraw these petitions.

We see no reason to decline this request, as it is essentially the prerogative of the party to press or withdraw his petition(s) and, therefore, this Court would not come in the way of permitting the State of Rajasthan to withdraw these petitions.

The special leave petitions, therefore, are dismissed as withdrawn in view of the request made.

However, in spite of withdrawal of the special leave petitions, if the petitioner-State is taking a diametrically opposite stand which it had taken before the High Court as also before this Court when the arguments were concluded, we surely have reservations in permitting the learned senior counsel to take an opposite stand now and advance arguments exactly the opposite of what was submitted in the High Court as also before this Court through the earlier counsel being the Attorney General.

However, learned senior counsel submitted that the State is a respondent in other special leave petitions also which have been preferred by the other petitioners and, therefore, as a respondent therein, they are eligible to advance their arguments.

There is no doubt that the impleaded respondent may advance

his arguments before the Court as he has been impleaded as a party-respondent but under the garb of advancing arguments a stand which was taken before the High Court earlier is changed at the stage of special leave petition, cannot be permitted especially when the counsel, as already stated, has withdrawn the special leave petitions preferred by the State. He may, however, advance submissions as a respondent in other matters, which he is at liberty to make within a period of two weeks, which however, shall be subject to its acceptance.

(NAVEEN KUMAR)  
COURT MASTER

(S.S.R. KRISHNA)  
COURT MASTER