

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

RECORD OF PROCEEDINGS

IA 19-20/2005 in CIVIL APPEAL NO. 6825-6826 OF 2003

UNION OF INDIA

Appellant (s)

VERSUS

PRAMOD GUPTA (DEAD) BY LRS. & ORS.

Respondent(s)

(for modification of court's order dt. 7.9.2005 and permission to file counter affidavit in IA Nos.19-20

and office report)

Date: 18/07/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE S.B.SINHA

For Appellant(s)

Mr. A.Sharan, ASG

Mr. S.Wasim A. Qadri, Adv.

Mr. D.S. Mahra, Adv.

For Respondent(s)

Mr. L.Nageshwar Rao, Sr. Adv.

Mr. L.R. Gupta, Sr. Adv.

Mr. Manish Vashisht, Adv.

Mr. Ashok Mathur, Adv.

Mr. Vishnu B. Saharya, Adv. for  
M/S Saharya & Co.

Mr. K.N. Bhat, Sr. Adv.

Respondent-In-Person

For Intervenor

Dr. Aparana Bhardwaj, Adv.

Mr. Rajesh Tyagi, Adv.

Mr. Atishi Dipankar ,Adv

UPON hearing counsel the Court made the following

O R D E R

Reply filed by the non-applicant be taken on record.

Interlocutory Application Nos. 19-20 have been filed by the applicants-

respondents seeking clarification/modification - additions and alterations of our

judgment in Civil Appeal Nos. 6825-6826 of 2003 dated September 7, 2005. Mr.

Amrendra Sharan, learned ASG had argued the main case on behalf of the Union of

India. On the previous date of hearing i.e. 25.4.2006, on a request made by the

counsel appearing for Union of India (Mr. A.Sharan, ASG), DDA and other non-

applicants to file reply to the I.As, the case was adjourned for two weeks. No reply

has been filed by the Union of India or DDA.

Mr. A.Sharan, ASG who is present in the Court in connection with some

other case states that he has not been assigned this case and the same has been

assigned to Mrs. Rekha Pandey, Adv., who is not present in the Court. We expected

Mr. A.Sharan, ASG to appear in these I.As as he had argued the main case and

appeared on the last date of hearing. In our expectations, Mr. A. Sharan should

have been continued with this case but for the reasons best known to the concerned

department the same has not been allotted to Mr. A. Sharan, ASG.

As this is a special Bench, the only option before us was to proceed against the Union of India ex-parte but keeping in view the stakes involved in the case and for doing substantial justice, we adjourn these I.As to 12th September, 2006. Union of India is directed to allocate this case to Mr. A. Sharan, ASG and file its reply on or before 4th September, 2006 with an advance copy to the counsel for the applicants.

Rejoinder, if any, be filed on or before 8th September, 2006. Since this is a Special

Bench and an unnecessary adjournment has been sought, we impose the cost of

Rs.10,000/- on the Union of India. The cost should be deposited with the Supreme

Court Legal Services Committee and shall file proof thereof.

To come up on 12th September, 2006 at 10.30 a.m.

(Parveen Kr. Chawla)

Court Master

(Mithilesh Raghav)

Court Master