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ITEM NO.301

COURT NO.2

SECTION XIV

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

I.A.NOS.36,71,72,73 & 74 in Civil Appeal

No(s).

10660/2010

CENTER FOR PIL & ORS.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for implement as party respondent and appln. u/s 195 read with section 340 of cr.p.c. and office report)

Date : 22/09/2014 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s)

Mr.Dushyant Dave, Sr.Adv.
Mr. Prashant Bhushan,Adv.
Ms.Kamini Jaiswal, Adv.
Mr.Pranav Sachdeva, Adv.

Mr. S.k. Verma,Adv.(NP)

Mr. Santosh Kumar Tripathi,Adv.(NP)

Mr. Abhinav Mukerji,Adv.

Mr. Arvind Kumar Sharma,Adv.(NP)

Mr. E.C. Agrawala,Adv.

M/s. Suresh A. Shroff & Co.,Adv.

Signature Not Verified

Mr. Abhijat P. Medh,Adv.(NP)

Digitally signed by
Ramana Venkata Ganti
Date: 2014.10.10
10:17:41 IST
Reason:

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Mr.Vikas Singh, Sr.Adv.
Mr.Raghavacharyulu, Adv.
Mrs.Deepeika Kalia, Adv.
Mr.Kapish Seth, Adv.
Mr. Chandra Prakash,Adv.

Ms. Niranjana Singh,Adv.(NP)

Respondent-in-person.

Mr.Tushar Mehta, ASG
Mr.R.Balasubramanian, Adv.
Mr.Santosh Kumar, Adv.
For Mr. B.v. Balaram Das,Adv.

Mr. Navin Chawla, Adv.

Mr. Anupam Lal Das, Adv. (NP)

Mr. Tushar Mehta, ASG
Mr. R. Balasubramanian, Adv.
Mr. Arijit Prasad, Adv.
Mr. T. A. Khan, Adv.
For Mrs. Anil Katiyar, Adv.

For Respondent(s) Mr. K. K. Venugopal, Sr. Adv.
Ms. Pinky Anand, ASG
Mr. Tushar Mehta, ASG
Mr. Rajiv Nanda, Adv.
Mr. Gopal Sankaranarayanan, Adv.
Mr. Rohit Bhat, Adv.
Mr. Vikramaditya, Adv.
For Mr. B. V. Balaram Das, Adv.
For Mr. B. K. Prasad, Adv.

Ms. Pinky Anand, ASG
Ms. Rekha Pandey, Adv.
Mr. R. S. Nagar, Adv.
Mr. Rajesh Ranjan, Adv.
Mr. Balendu Shekhar, Adv.
For Mr. B. V. Balram Das, Adv.
For Mr. D. S. Mahra, Adv.

Dr. Subramanian Swamy,
Applicant-in-person
Ms. Roxna Swamy, Adv.
Mr. Yatinder Singh, Adv.

Mr. Dharmendra Kumar Sinha, Adv. (NP)

Mr. Gaurav Kejriwal, Adv. (NP)

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Ms. S. Ramamani, Adv. (NP)

Mr. Abhinav Mukerji, Adv.

M/s. Karanjawala & Co., Adv.

Mr. Siddharth Singla, Adv.

Mr. Devvrat, Adv.

Mr. Kaushik Poddar, Adv.

Mr. Ashok Agarwal, Sr. Adv. & Adv. Genl.
Mr. Saurabh Ajay Gupta, AAG
Mr. Saurabh Singal, Adv.
Mr. Nishant Bishnoi, Adv.

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

I. A. No. 76 of 2014:

By this application, a request is made by the applicant(s)/appellant(s) to recall our earlier order dated 15.09.2014 passed in Civil Appeal No. 10660 of 2010.

By our order dated 15.09.2014, this Court, after hearing Shri Ram Jethmalani, Officer of the Court, Shri Vikas Singh, learned senior counsel and Shri Prashant Bhushan, learned counsel,

had requested Shri Prashant Bhushan, learned counsel for the appellant(s)/ applicant(s) to disclose the source of information, which has formed the basis of the application and the allegations made in the affidavit filed before this Court. We had also added that the information that will be disclosed by Shri Bhushan be kept in a sealed cover and to be opened only by this Court.

In this application filed before us today, at para 4, the applicant(s)/appellant(s) have stated as under :

"Pursuant to the said order the governing body of the Centre for Public Interest Litigation (CPIL) met and decided that appellants cannot reveal the name of source, inter alia, because the information was given in confidence to their counsel on the understanding that the identity of the source would not be revealed. The appellants have on 18.09.2014 filed an affidavit explaining their position. The contents of the same are not being repeated herein for the sake of brevity. Appellants wish to rely

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upon the contents of the same when this application is taken up for hearing."

We have heard Shri Dushyant Dave, learned senior counsel appearing for the appellants/applicants and Shri Vikas Singh, learned senior counsel appearing for the Director, C.B.I. In our opinion, any order that would be made by us on the application filed by the applicant(s)/appellant(s), would have its own ramifications, on the cases that are pending before this Court and the cases that may be filed in future. To take a particular view in the matter, we need to have the assistance of the learned counsel, whom we have appointed/nominated as the Special Public Prosecutor to conduct the proceedings before the Trial Court.

In view of the above, we now request Shri Anand Grover, learned senior counsel and Special Public Prosecutor to look into (i) the Interlocutory Applications filed by the applicants, (ii) reply(s) filed to the applications by respondents, (iii) additional affidavit filed on 5th September, 2014 and (iv) the xerox copies of the documents that were before this Court, after serving the same on Shri K.K.Venugopal, learned senior counsel appearing for the C.B.I. and the Enforcement Directorate.

Shri Venugopal, learned senior counsel will supply a copy of the register maintained at the residence of the C.B.I. Director to Shri Anand Grover, learned senior counsel and Special Public Prosecutor.

We also permit Shri Anand Grover, learned senior counsel and Special Public Prosecutor to look into other application(s), if he so desires, after obtaining appropriate oral permission from this Court.

Call this matter on 10th October, 2014. The other application(s) filed by all the parties shall be considered by us on 10.10.2014.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar