

ITEM NO.1

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. 36,71,72,73,74,75 & CRLMP.NO.18219/2014 In
Civil Appeal No. 10660/2010

CENTER FOR PIL & ORS.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions and impleadment as party respondent and appln.
u/s 195 read with Section 340 of Cr.P.C. and office report)

Date : 15/09/2014 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. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva, Adv.

Dr. Subramanian Swamy, Adv. (NP)
(Applicant In Person)

For Respondent(s)
C.B.I

Mr. K.K. Venugopal, Sr. Adv.
Ms. Pinky Anand, ASG
Mr. Gopal Sankaranarayanan, Adv.
Mr. Rohit Bhat, Adv.
Mr. Vikramaditya, Adv.
Mr. Rajesh Ranjan, Adv.
Mr. Balendu Sekhar, Adv.
Mr. B.K. Prasad, Adv.

Enforcement
Directorate

Mr.K.K. Venugopal, Sr. Adv.
Mr.Rajiv Nanda, Adv.
Mr. B.K. Prasad, Adv.
Mr. B.V. Balramdas, Adv.

Ms. Pinki Anand, ASG
Ms. Rekha Pandey, Adv.
Mr. R.S. Nagar, Adv.
Mr. D.S. Mahra, Adv.

Mr. L.N. Rao, ASG
Mr. Arijit Prasad, Adv.
Mr. T.A. Khan, Adv.
Mr. R. Bala, Adv.
Ms. Anil Katiyar, Adv.

Ms. Neeha Nagpal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr.E.C. Agrawala, Adv.
Mr. Pratyesh Panjwani, Adv.

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

Mr. S.K. Verma, Adv.

Mr. Abhijat P. Medh, Adv.

Ms. Niranana Singh, Adv.

Mr. Satya Mitra Garg, Adv.

Mr. B.V. Balram Das, Adv.

Mr. Anupam Lal Das, Adv

Mr. Dharmendra Kumar Sinha, Adv.

Mr. Gaurav Kejriwal, Adv.

Mr. Santosh Kumar Tripathi, Adv.

Ms. S. Ramamani, Adv.

Mr. Ram Jethmalani, Sr. Adv.

Mr. Abhinav Mukerji, Adv.

Mr. Siddharth Singhla, Adv.

Mr. Devvrat, Adv.

Mr. Kaushik Poddar, Adv.

Mr. Manoj K Mishra, Adv.

Mr. Ravi P Mehrotra, Adv.

Mr. Kaushal Yadav, Adv.

For Director
C.B.I.

Mr. Vikas Singh, Sr. Adv.
Mr. Raghavacharyavelu, Adv.
Mr. Chandra Prakash, Adv.
Ms. Deepika Kalia, Adv.
Mr. Kapish Seth, Adv.

Mr. Sandeep Kapur, Adv.
Mr. Vir Inder Paul Sandhu, Adv.
Mr. Vivek Suri, Adv.
Ms. Manik Karanjawala, Adv.
for M/s Karanjawala & Co., Adv.

Mr. Navin Chawla, Adv.

Mr. Saurabh Ajay Gupta, Adv.
Mr. Nishant Bishnoi, Adv.

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

We have Shri Vikas Singh, learned senior counsel appearing on behalf of Shri Ranjit Sinha, Director, Central Burueau of investigation (for short, "the Director, CBI") and shri Prashant Bhushan learned counsel appearing for the appellants.

We have also heard Shri Ram Jethmalani, learned senior Counsel as an Advisor to the Court.

We do not intend to say much on the arguments advanced by the learned counsels. In our opinion, it is suffice to observe that the affidavit (in I.A. No. 73) filed by Shri Prashant Bhushun, is not in consonance with Order IX Rule 13 of the Supreme Court Rules, 2013. The said provision is quoted hereinbelow :

"In this Order, 'affidavit' includes a petition or other documents required to be sworn or verified; and 'sworn' includes affirmed. In the verification of petition, pleadings or other proceedings, statements based on personal knowledge shall be distinguished from statements based on information and belief. In the case of statements based on information, the deponent shall disclose the source of his information, including official records."

In our opinion, before we pass any order on the affidavit at the first instance, we request Shri Prashant Bhushan, learned counsel to disclose the source of his information to us which has formed the basis of the averments and allegations made in the affidavit filed before this Court. The information that will be disclosed by Shri Prashant Bhushan, learned counsel shall be kept in a sealed cover and to be opened by this Court only.

Further, we direct the Registry to keep all the documents and affidavits filed by the Director, C.B.I. in a sealed cover, to be kept safely in the custody of the Secretary General of this Court.

List on 22.09.2014.

I.A. No. 75 of 2014

Reply, if any, to I.A. No. 75 be filed by Shri K.K. Venugopal, learned senior counsel through Shri B.K. Prasad/B.V. Balramdas, learned counsel(s) and reply to I.A. No. 75, if any, be filed by Shri Vikas Singh, learned senior counsel through Shri Chander Prakash, learned counsel within a week's time from today.

List on 24.09.2014.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Asstt. Registrar