

ITEM No.1

COURT NO.11

SECTION XIV

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). 10660 OF 2010

CENTER FOR PIL & ORS.
VERSUS
UNION OF INDIA & ORS.

Appellant (s)

Respondent(s)

(With appln(s) for permission to place addl. documents on record and
intervention and with prayer for interim relief and office report)
[For further consideration]
[For further hearing]

Date: 16/03/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s) Mr. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva, Adv.

Dr. Subramanian Swamy, in-person

For Respondent(s) Mr. G.E. Vahanvati, AG
Ms. Indira Jaising, ASG
Ms. Sonam Anand, Adv.
Mr. Rohit Sharma, Adv.
Mr. S.S. Rawat, Adv.

For C.B.I.
& ED Mr. K.K. Venugopal, Sr. Adv.
Mr. H.P. Raval, ASG
Ms. Shweta Verma, Adv.
Mr. Gopal Shankarnarayan, Adv.
Mr. Arvind K. Sharma, Adv.
Mr. Rajiv Nanda, Adv.

Mr. Mukul Gupta, Sr. Adv.
Mr. Anand Verma, Adv.
Mr. Anchit Sharma, Adv.

In I.A.No.5 Mr. F.S. Nariman, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv.
Mr. Navin Chawla, Adv.

In I.A.No.7 Dr. A.M. Singhvi, Sr. Adv.
Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Manjul Bajpai, Adv.
Mr. Gopal Jain, Adv.

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In I.A.No.6 Mr. Shanti Bhushan, Sr. Adv.
Mr. Parthiv Goswami, Adv.

UPON being mentioned the Court made the following
O R D E R

At the commencement of hearing, learned Attorney General
placed before the Court letter dated 14.03.2011 sent to him by the

Registrar General of the High Court of Delhi conveying the decision taken by the High Court to nominate Shri O.P.Saini, an officer of Delhi Higher Judicial Service, who is presently posted as Special Judge (PC Act) (CBI)-2, New Delhi, Patiala House Courts as the Special Judge to undertake the trial of cases in relation to all matters pertaining to what has been described as 2-G Scam exclusively.

Learned Attorney General gave out that he would ensure that two separate notifications are issued by the Central Government in terms of Section 3(1) of the Prevention of Corruption Act, 1988 and Section 43(1) of the Prevention of Money-Laundering Act, 2002 for establishment of the Special Court to exclusively try the offences pertaining to what has been termed as 2-G Scam and other related offences. Learned Attorney General submitted that appropriate notifications will be issued on or before 29.03.2011.

Shri K.K. Venugopal, learned senior counsel appearing for the CBI and the Enforcement Directorate assured the Court that he will suggest the name of an advocate, who can be appointed as a Special Public Prosecutor for conducting the cases before the Special Court.

Shri Venugopal then placed before the Court the latest

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Status Report (2 sets) prepared by the C.B.I. (as on 14.03.2011) in sealed envelopes. The sealed envelopes were opened in the Court. We have perused the Report. The Court Masters are directed to re-seal the Report. This direction has been complied with.

For further consideration, the case is adjourned to 29.03.2011, on which date transcript of the tapes prepared by the Income Tax Department, which was made available to the Central Bureau of Investigation, be produced before the Court in a sealed envelope along with the latest report on the status of investigation.

The request made by Shri Prashant Bhushan, learned counsel appearing for the appellant in C.A.No.10660 of 2010 for appointment of two independent persons to assist the Court will be considered on

the next date of hearing.

While adjourning the case, we make it clear that no one including the newspapers shall not interfere with the functioning of the C.B.I. team and the officers of the Enforcement Directorate who are investigating what has been described as 2-G Scam and the Court will take serious cognizance of any endeavour made by any person or group of persons in this regard.

I.A.No.5 of 2011

This is an application by Cellular Operators Association of India and three others for being allowed to act as an intervenor in the proceedings of Civil Appeal No.10660 of 2010.

We have heard Shri F.S.Nariman, learned senior counsel appearing for the applicants, Shri Prashant Bhushan, learned counsel

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for the appellants and Shri Mukul Rohatgi, learned senior counsel appearing for Reliance Infocom.

In our view, there is no valid ground or justification to entertain the prayer made in the application.

The application is accordingly disposed of. It is needless to say that the investigation which is being carried out by the C.B.I. pursuant to the order passed by this Court shall not adversely affect or influence adjudication of any other case which may be pending before other Court.

I.A.No.6 of 2011

Adjourned to 29.03.2011.

I.A.No.7 of 2011

This application has been filed by Idea Cellular Limited in the context of order dated 04.03.2011 passed by the Telecom Disputes Settlement and Appellate Tribunal, New Delhi in Petition No.51 of 2011.

We have heard Dr.A.M.Singhvi, learned senior counsel appearing for the applicant. In our view, order dated 16.12.2010 passed by this Court in C.A.No.10660 of 2010 has nothing to do with the auction of 3-G Spectrum.

The application is accordingly disposed of.

I.A.No.8 of 2011

The application is disposed of by giving liberty to the applicant to act as an intervenor.

I.A.No.9 of 2011

List on 29.03.2011.

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(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master