

ITEM NO.1

COURT NO.1

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. 73 & 76/2014 in Civil Appeal No(s). 10660/2010

CENTER FOR PIL & ORS.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for directions and recalling court's order and office report)

Date : 20/11/2014 These applications were called on
for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.K. SIKRI

Mr. Anand Grover, Sr. Adv.
Mr. Mihir Samson, Adv.
Ms. Sonam Anand, Adv.
Ms. Chitralkesh Das, Adv.
Mr. Nikhil Borwankar, Adv.
Ms. Sonia Mathur, Adv.

For Appellant(s)

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

Mr. Abhinav Mukerji, Adv.

Dr. Subramanian Swamy, In person (NP)

Mr. Santosh Kumar Tripathy, Adv.

Mr. S.K. Verma, Adv.

For Respondent(s)/

Applicant(s)

Director, CBI

Mr. Vikas Singh, Sr. Adv.
Mr. Chandra Praksah, Adv.

Ms. Deepika Kalia, Adv.
Mr. Kapish Seth, Adv.

CBI & E.D.

Mr. K.K. Venugopal, Sr. Adv.
Ms. Pinky Anand, ASG
Mr. Gopal Sankarnarayaan, Adv.
Ms. Soniya Mathur, Adv.
Mr. Rohit Bhatt, Adv.
Mr. Vikramaditya, Adv.

UOI

Ms. Pinky Anand, ASG
Mr. Rajesh Ranjan, Adv.
Mr. Balendu Shekhar, Adv.
Mr. B.V. Balramdas, Adv.
Mr. D.S. Mahra, Adv.
Ms. Rekha Pandey, Adv.
Mr. R.K. Rathore, Adv.

I.T. Dept.

Mr. T.A. Khan, Adv.
For Ms. Anil Katiyar, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. Navin Chawla, Adv.

Mr. Anupam Lal Das, Adv.

Mr. Dharmendra Kuamr Sinha, Adv.

Mr. Gaurav Kejriwal, Adv.

Mr. Devvrat, Adv.

Mr. E.C. Agrawal, Adv.

Mr. Siddharth Singla, Adv.

Ms. S. Ramamani, Adv.

Ms. Niranjana Singh, Adv.

M/s. Karanjawala & Co.

Mr. Kaushik Poddar, Adv.

M/s. Suresh A. Shroff & Co.

Punjab

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

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

I.A.Nos. 73/2014

By this application, the applicants seek the following reliefs :-

- (i) Direct the CBI Director Shri Ranjit Sinha not to interfere in investigation and prosecution of the case relating to the 2G spectrum allocation being carried out by the CBI, and to recuse himself from the case.
- (ii) Pass further orders as may be deemed fit and proper.

We have heard Shri Dushyant Dave and Shri Vikas Singh, learned senior counsel for the parties and Shri Anand Grover, learned senior counsel, the Special Public Prosecutor appointed by this Court in the 2G spectrum case.

To protect and preserve the sanctity and the fair name of the institution including the reputation of the Office of the Director of CBI, we are not deliberately giving out elaborate reasons.

It would suffice for us to observe that the information furnished by the applicants is *prima facie* credible and therefore requires to be accepted.

Let it not be said by anybody, that we have not given any reasons while disposing of the application. We are reiterating this statement only to prevent flak from several quarters of the society. We would like to re-emphasize that elaborate reasons are not necessary, only to protect the reputation of the CBI from being tarnished.

In view of the above, we grant the aforesaid relief sought by the applicants and pass the following orders:-

- (i) We recall our earlier order passed on 15.09.2014 so far as it relates to I.A. No.73 of 2014.
- (ii) We direct Shri Ranjit Sinha, CBI Director not to interfere in the investigation and prosecution of the case relating to the 2G spectrum allocation that is carried out by the CBI, and to recuse himself from the case.

(iii) Shri Ranjit Sinha shall be replaced by the senior most officer of the investigating team, constituted by the CBI to investigate into the case relating to the 2G spectrum allocation and continue the proceedings further.

With the above observations, I.A. No.73 of 2014 (application for directions) is disposed of.

The Registry is directed to send a copy of this order forthwith to all the parties.

In view of the order passed by us in I.A. No.73 of 2014, we need not express any opinion on the prayers made in I.A. No.76 of 2014 and the same is accordingly disposed of.

Shri K.K. Venugopal, learned senior counsel, appearing for CBI and Enforcement Directorate has brought to our notice a news item published today in Times of India, New Delhi. The news item states: "Mr. Ranjit Sinha Director of CBI, informed the Supreme Court that his DIG, Shri Santosh Rastogi, who is incharge of the 2G scam probe, "appears" to be the "mole" who was leaking documents and file notings to Aam Aadmi Party leader and advocate

Prashant Bhushan."

Shri Prashant Bhushan, learned counsel of the applicant, files an affidavit before this Court. The affidavit reads as under:-

"IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. 73 of 2014
IN
CIVIL APPEAL NO.10660 OF 2010

In the matter of :

Centre for Public Interest
Litigation & Ors. ...Appellants

Versus

The Union of India & Ors. ...Respondents

AFFIDAVIT ON BEHALF OF PRASHANT BHUSHAN

I, Prashant Bhushan, s/o Shri Shanti Bhushan, having my office at 301, New Lawyers Chambers, Supreme Court, New Delhi-110 001 do hereby solemnly affirm and state on oath as under :

1. That I am the counsel for the appellants in the instant proceedings. I am fully conversant with the facts and circumstances of the case, and competent and authorised to swear this affidavit.
2. During the hearing of the above

application (IA 73) on 19.11.2014, a statement was made at the bar by Shri Vikas Singh, counsel for Shri Ranjit Sinha (Director, CBI) that the information contained in the affidavits filed by the appellants, have been supplied to me by the CBI DIG Shri Santosh Rastogi. The said statement has also appeared in newspapers today.

3. I submit that, though I am not in a position to disclose the identity of the source of information, but I can state that the information has not been supplied to me by Shri Rastogi. I do not know Shri Rastogi, have not met him or spoken to him.

DEPONENT"

In view of the affidavit, it is safe to say that Shri Rastogi, is not giving any information to anybody else or to Shri Prashant Bhushan.

Ordered accordingly.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar