

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

RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 79 OF 2006

UNION OF INDIA

Petitioner(s)

VERSUS

MAHESH BHATT AND ANR.

Respondent(s)

(With appln(s) for stay and office report )

Date: 27/03/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr. Gopal Subramaniam, A.S.G.

Mr. Navin Prakash, Adv.

Ms. Sushma Suri, Adv.

Mr. Rajshekhar Rao, Adv.

For Respondent(s) MR. Sandeep Sethi, Sr. Adv.

Mr. C.M. Lal, Adv.

Mr. Navin Chawla, Adv.

Mr. Praduman Dubey, Adv.

Mr. Arvind P. Datar, Sr. Adv.

Mr. Feroz Ali, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Ankit Sehgal, Adv.

UPON hearing counsel the Court made the following

O R D E R

The transfer petition is disposed of, in terms of the signed order.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.79 OF 2006

Union of India

...Petitioner

Versus

Mahesh Bhatt & Anr.

...Respondents

O R D E R

This petition has been filed under Article 139-A of the

Constitution of India for transfer of writ petition pending in

Delhi High Court and another pending in Madras High Court

to this Court. In the petitions pending in the Delhi High Court

and Madras High Court, the Challenge is to the legality and

validity of the provisions of the Cigarettes and other Tobacco

Products (Prohibition of Advertisement and Regulation of

Trade and Commerce, Production, Supply and Distribution)

Act, 2003/Cigarettes and other Tobacco Products (Prohibition

of Advertisement and Regulation of Trade and Commerce,

Production, Supply and Distribution) Rules. 2005. The

learned Additional Solicitor General states that certain further

amendments to Rules have also been made which are also

under challenge in those petitions.

In Delhi High Court, besides Writ Petition (C) No.

8761/2005 of which transfer is sought, learned Additional

Solicitor General submitted that another petition being Writ

Petition (C) No.23716/2005 on the similar issue is also

pending. Likewise, in Madras High Court, besides Writ

Petition (C) No.24729/2005 of which transfer is sought to this

Court, it is stated that another petition being Writ Petition (C)

No.12344/2005 is also pending.

Having heard learned counsel for the parties, we are of

the view that it would be expedient if the challenge to the

legality and validity of the aforesaid provisions is determined

by one court lest there is conflict of opinion. We are, however,

not inclined to transfer the petitions to this Court and deem it

appropriate to transfer the petitions pending in the Madras

High Court to be heard and decided along with the two writ

petitions pending before the Delhi High Court.

Accordingly, Writ Petition (C) Nos.24729/2005 and

12344/2005 pending in the Madras High Court are

transferred therefrom to Delhi High Court, to be heard along

with Writ Petition (C) Nos.18761/2005 and 23716/2005.

Interim orders that have been passed in the meantime by the

Madras High Court shall continue till the same are vacated by

any court.

The transfer petition is disposed of accordingly.

.....CJI

(Y.K. SABHARWAL)

.....J

(C.K. THAKKER)

.....J

(R.V. RAVEENDRAN)

New Delhi,

March 27, 2006.