

ITEM NO.32

COURT NO.1

SECTION XVI

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

Petition for Special Leave to Appeal (C) Nos. 29749-29763/2016

(Arising out of impugned final judgment and order dated 30-09-2016
in CWJC No. 6675/2016 30-09-2016 in CWJC No. 6674/2016 30-09-2016
in CWJC No. 8188/2016 30-09-2016 in CWJC No. 6982/2016 30-09-2016
in CWJC No. 7019/2016 30-09-2016 in CWJC No. 7020/2016 30-09-2016
in CWJC No. 7021/2016 30-09-2016 in CWJC No. 7022/2016 30-09-2016
in CWJC No. 7880/2016 30-09-2016 in CWJC No. 6676/2016 30-09-2016
in CWJC No. 6677/2016 30-09-2016 in CWJC No. 6707/2016 30-09-2016
in CWJC No. 6988/2016 30-09-2016 in CWJC No. 7018/2016 30-09-2016
in CWJC No. 7804/2016 passed by the High Court Of Judicature At
Patna)

STATE OF BIHAR AND ORS. ETC. ETC.

Petitioners

VERSUS

CONFEDERATION OF INDIAN ALCOHOLIC BEVERAGE
COMPANIES AND ANR. ETC. ETC.

Respondents

WITH

SLP(Cr1) No. 262/2017 (II-A)(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
599/2017)T.P.(C) No. 2089-2090/2016 (XVI-A)

Date : 17-05-2018 These petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioners

Mr. Gopal Singh, AOR
Mr. Manish Kumar, Adv.Mr. Keshav Mohan, Adv.
Mr. Piyush Choudhary, Adv.
Mr. Gaurav Kejriwal, AORFor Respondents/
Applicants

For UOI

Mr. A.K. Panda, Sr. Adv.
Mr. Sachin Sharma, Adv.
Mr. A.K. Sharma, Adv.
Mr. Gurmeet Singh Makker, AORMs. Vanita Bhargava, Adv.
Mr. Arvind Ray, Adv.
Mr. Karan Gupta, Adv.
M/s. Khaitan & Co., AOR

Mr. Aashish Gupta, Adv.
Mr. Aditya Mukherjee, Adv.
Mr. S. S. Shroff, AOR

Mr. Senthil Jagadeesan, AOR
Ms. Shruti Iyer, Adv.
Ms. Sonakshi Malhan, Adv.
Ms. Suriti Chowdhry, Adv.

Mr. Chandan Kumar, AOR
Mr. Arun K. Sinha, AOR
Mr. T. Mahipal, AOR
Mr. Lalit Kumar Jha, AOR
Mrs. Sudha Gupta, AOR

Mr. Sanjay S. Chhabra, Adv.
Mr. Vijay Laxmi, Adv.
Mr. Gaurav Goel, Adv.

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

It is submitted by learned counsel for the State of Bihar that the State legislature is competent to amend the provisions relating to 'penalties'.

Such a prayer has been made keeping in view our order dated 7.10.2016, which is to the following effect:-

"Issue notice, returnable within eight weeks.

As some of the respondents have entered appearance, a copy of the special leave petitions be served on them and no further notice need be issued on the said respondents. The other respondents be served in the usual course.

Counter affidavit be filed within six weeks. Rejoinder affidavit, if any, be filed within four weeks therefrom.

Let the matter be listed after ten weeks."

As an interim measure, it is directed that there shall be stay of operation of the judgment and order passed by the Division Bench of the High Court of Judicature at Patna on 30th September, 2016 in C.W.J.C. No. 6675 of 2016 and other connected matter."

Be it clarified that we have stayed the operation of the judgment and order passed by the Division Bench of the High Court. This Court can neither direct nor grant liberty to the legislature to legislate on any aspect. Therefore, we only say that the legislature can legislate as per the constitutional functioning to amend the statutes. We say nothing more.

(Deepak Guglani)
Court Master

(Tapan Kumar Chakraborty)
Court Master