

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

Petition(s) for Special Leave to Appeal (Civil) No(s).34715/2013

(From the judgement and order dated 24/07/2013 in WP No. 8084/2013 of The
HIGH COURT OF ORISSA AT CUTTACK)

STATE OF ODISHA & ORS Petitioner(s)

VERSUS

AJIT KUMAR ROUTRAY Respondent(s)

(With prayer for interim relief and office report)

SLP(C)No.1179/2014
[STATE OF ODISHA & ORS. Vs. SOUDAMINI NAYAK]
(WITH OFFICE REPORT)

SLP(C)No.1180/2014
[STATE OF ODISHA & ORS. Vs. LALAN PRASAD GUPTA]
(WITH OFFICE REPORT)

SLP(C)No.1182/2014
[STATE OF ODISHA & ORS. Vs. AJIT KUMAR ROUTRAY]
(WITH OFFICE REPORT)

SLP(C)No.1183/2014
[STATE OF ODISHA AND ORS. Vs. NITAN KUMAR JAISWAL]
(WITH OFFICE REPORT)

SLP(C)No.1185/2014
[STATE OF ODISHA & ORS. Vs. JYOTIRANJAN PRADHAN]
(WITH OFFICE REPORT)

SLP(C)No.1186/2014
[STATE OF ODISHA & ORS. Vs. SANDEEP KUMAR SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1187/2014
[STATE OF ODISHA & ORS. Vs. MD. SHAMIM]
(WITH OFFICE REPORT)

SLP(C)No.1188/2014
[STATE OF ODISHA & ORS. Vs. ATUL SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1189/2014
[STATE OF ODISHA & ORS. Vs. ISWAR CHANDRA DAS & ORS.]
(WITH OFFICE REPORT)

SLP(C)No.1190/2014
[STATE OF ODISHA AND ORS. Vs. PROMOD KR.JENA]
(WITH OFFICE REPORT)

SLP(C)No.1194/2014
[STATE OF ODISHA & ORS. Vs. HARIHAR MALLICK]
(WITH OFFICE REPORT)

SLP(C)No.1195/2014
[STATE OF ODISHA & ORS. Vs. SUKANTA KUMAR NANDI]
(WITH OFFICE REPORT)

SLP(C)No.1196/2014

[STATE OF ODISHA & ORS. Vs. GUNANIDHI SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1198/2014
[STATE OF ODISHA & ORS. Vs. MD. RAJA HUSSAIN]
(WITH OFFICE REPORT)

SLP(C)No.1199/2014
[STATE OF ODISHA & ORS. Vs. YOGESH SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1200/2014
[STATE OF ODISHA AND ORS. Vs. BIDYA DEVI YADAV]
(WITH OFFICE REPORT)

SLP(C)No.1201/2014
[STATE OF ODISHA & ORS. Vs. SANTANU KUMAR DASH]
(WITH OFFICE REPORT)

SLP(C)No.1202/2014
[STATE OF ODISHA AND ORS. Vs. AVIJIT PANDA]
(WITH OFFICE REPORT)

SLP(C)No.1204/2014
[STATE OF ORISSA & ORS. Vs. BIMAL KRUSHNA SUNDARAY & ANR.]
(WITH OFFICE REPORT)

SLP(C)No.1205/2014
[STATE OF ODISHA AND ORS. Vs. ARUN KR.SAHOO AND ANR.]
(WITH OFFICE REPORT)

SLP(C)No.1206/2014
[STATE OF ORISSA & ORS. Vs. CHITTARANJAN SINGHSAMANTA]
(WITH OFFICE REPORT)

SLP(C)No.1207/2014
[STATE OF ODISHA & ORS. Vs. SRI BINOY KUMAR SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1208/2014
[STATE OF ODISHA & ORS. Vs. ALMAS KHAN]
(WITH OFFICE REPORT)

SLP(C)No.1209/2014
[STATE OF ODISHA & ORS. Vs. MAYADHAR PRUSTY & ORS.]
(WITH OFFICE REPORT)

SLP(C)No.1210/2014
[STATE OF ODISHA & ORS. Vs. OM PRAKASH SINGH & ORS.]
(WITH OFFICE REPORT)

SLP(C)No.1211/2014
[STATE OF ORISSA & ORS. Vs. SAROJINI SATPATHY]
(WITH OFFICE REPORT)

SLP(C)No.1215/2014
[STATE OF ODISHA & ORS. Vs. DHIRENDRA PANIGRAHI]
(WITH OFFICE REPORT)

SLP(C)No.1216/2014
[STATE OF ODISHA AND ORS. Vs. RANJIT KUMAR ROUT]
(WITH OFFICE REPORT)

SLP(C)No.1212/2014
[THE STATE OF ODISHA & ORS. Vs. GOPAL PRASAD JAISWAL]
(WITH OFFICE REPORT)

SLP(C)No.1217/2014
[STATE OF ODISH AND ORS. Vs. SRI DIPAK MOHANTY]

(WITH OFFICE REPORT)

SLP(C)No.1218/2014
[STATE OF ORISSA & ORS. Vs. MONALISA RATH]
(WITH OFFICE REPORT)

SLP(C)No.1219/2014
[STATE OF ODISHA & ORS. Vs. VIVEK PRASAD JAISWAL]
(WITH OFFICE REPORT)

SLP(C)No.1220/2014
[STATE OF ODISHA & ORS. Vs. MANISH SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1221/2014
[STATE OF ODISHA & ORS. Vs. MANORAMA DEVI & ORS.]
(WITH OFFICE REPORT)

SLP(C)No.1222/2014
[STATE OF ODISHA & ORS. Vs. LAXMIKANTA SATPATHY]
(WITH OFFICE REPORT)

SLP(C)No.1223/2014
[STATE OF ODISHA & ANR. Vs. PRADYUMNA KHUNTIA]
(WITH OFFICE REPORT)

SLP(C)No.1224/2014
[STATE OF ODISHA & ORS. Vs. NRUSINGHA CHARAN ROUTRAY]
(WITH OFFICE REPORT)

SLP(C)No.1225/2014
[STATE OF ODISHA & ORS. Vs. DEEPAK SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1226/2014
[THE STATE OF ODISHA & ORS. Vs. LALAN PRASAD GUPTA]
(WITH OFFICE REPORT)

SLP(C)No.1227/2014
[STATE OF ODISHA & ORS. Vs. SATYAJIT MOHANTY]
(WITH OFFICE REPORT)

SLP(C)No.1228/2014
[STATE OF ODISHA & ORS. Vs. SATYAJIT MOHANTY]
(WITH OFFICE REPORT)

SLP(C)No.1229/2014
[THE STATE OF ODISHA & ORS. Vs. ATUL SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1230/2014
[STATE OF ORISSA & ORS. Vs. PRIYABRATA MOHANTY]
(WITH OFFICE REPORT)

SLP(C)No.1248/2014
[STATE OF ODISHA AND ANR. Vs. SUDHANSHU SEKHAR SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1249/2014
[STATE OF ODISHA & ORS. Vs. PRIYABRATA MOHANTY & ORS.]
(WITH OFFICE REPORT)

SLP(C)No.1250/2014
[STATE OF ODISHA & ORS. Vs. KUNTALI MANIA]
(WITH OFFICE REPORT)

SLP(C)No.1251/2014
[STATE OF ODISHA & ORS. Vs. PRADYUMNA KHUNTIA]
(WITH OFFICE REPORT)

SLP(C)No.1252/2014
[STATE OF ODISHA & ORS. Vs. GITANJALI SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1253/2014
[STATE OF ODISHA & ORS. Vs. MANISH SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1254/2014
[STATE OF ODISHA & ORS. Vs. SANGRAM KESHARI JENA]
(WITH OFFICE REPORT)

SLP(C)No.1256/2014
[STATE OF ODISHA & ORS. Vs. PRAVASH KUMAR SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1257/2014
[STATE OF ODISHA AND ORS. Vs. P.SRINIBAS PATRO]
(WITH OFFICE REPORT)

SLP(C)No.1258/2014
[STATE OF ODISHA & ORS. Vs. PRAFULLA KUMAR CHOUDHURY]
(WITH OFFICE REPORT)

SLP(C)No.1260/2014
[STATE OF ODISHA & ORS. Vs. LALAN PRASAD GUPTA]
(WITH OFFICE REPORT)

SLP(C)No.1262/2014
[STATE OF ODISHA & ORS. Vs. KABITA PATNAIK]
(WITH OFFICE REPORT)

SLP(C)No.1264/2014
[STATE OF ODISHA & ORS. Vs. MANISH SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1265/2014
[STATE OF ODISHA & ORS. Vs. DHIRA BEHERA]
(WITH OFFICE REPORT)

SLP(C)No.1268/2014
[STATE OF ODISHA & ORS. Vs. L. CHANDRA MOHAN SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1270/2014
[STATE OF ODISHA & ORS. Vs. KABIRAJ SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1271/2014
[STATE OF ODISHA & ANR. Vs. BIPIN BIHARI NAYAK]
(WITH OFFICE REPORT)

SLP(C)No.1272/2014
[STATE OF ODISHA & ORS. Vs. PURNA CHANDRA SINGH]
(WITH OFFICE REPORT)

SLP(C)No.1273/2014
[STATE OF ORISSA & ORS. Vs. MONALISA RATH]
(WITH OFFICE REPORT)

SLP(C)No.1275/2014
[STATE OF ODISHA & ORS. Vs. AMIT SINGH YADAV]
(WITH OFFICE REPORT)

SLP(C)No.1276/2014
[STATE OF ODISHA & ORS. Vs. SATYAJIT MOHANTY]
(WITH OFFICE REPORT)

SLP(C)No.1277/2014
[STATE OF ODISHA AND ORS. Vs. SACHIN KUMAR BHOL AND ORS.]
(WITH OFFICE REPORT)

SLP(C)No.1279/2014
[STATE OF ODISHA & ORS. Vs. L. SANJUKTA SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1281/2014
[STATE OF ORISSA & ORS. Vs. YOGESH SAHU & ORS.]
(WITH OFFICE REPORT)

SLP(C)No.1283/2014
[STATE OF ODISHA & ORS. Vs. PABITRA MOHAN PRADHAN & ORS.]
(WITH OFFICE REPORT)

SLP(C)No.1290/2014
[STATE OF ODISHA AND ORS. Vs. MANOJ KUMAR NAYAK]
(WITH OFFICE REPORT)

SLP(C)No.1291/2014
[STATE OF ODISHA & ORS. Vs. SRI BRAJA KISHORE SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1293/2014
[STATE OF ODISHA & ORS. Vs. PRAVASH KUMAR SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1311/2014
[STATE OF ODISHA & ORS. Vs. BHASKAR CHANDRA ROUT & ORS.]
(WITH OFFICE REPORT)

SLP(C)No. 3126/2014
[STATE OF ODISHA & ORS. Vs. MANOJ KUMAR SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1313/2014
[STATE OF ODISHA AND ORS. Vs. YOGESH SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1314/2014
[STATE OF ODISHA & ANR. Vs. GITANJALI SAHOO]
(WITH OFFICE REPORT)

SLP(C)No.1315/2014
[STATE OF ODISHA AND ORS. Vs. MANOJ KUMAR MEHER]
(WITH OFFICE REPORT)

SLP(C)No.1316/2014
[STATE OF ODISHA & ORS. Vs. SOUDAMINI NAYAK]
(WITH OFFICE REPORT)

SLP(C)No.1317/2014
[STATE OF ODISHA & ORS. Vs. ATUL SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1319/2014
[STATE OF ODISHA & ORS. Vs. SANTOSH KUMAR PATRO]
(WITH OFFICE REPORT)

SLP(C)No.1320/2014
[STATE OF ODISHA AND ORS. Vs. TADIT KUMAR ROUT]
(WITH OFFICE REPORT)

SLP(C)No.1321/2014
STATE OF ODISHA & ORS. Vs. ARABINDA SAHOO & ORS.]
(WITH OFFICE REPORT)

SLP(C)No.1323/2014

[STATE OF ODISHA & ORS. Vs. ATUL SAHU]
(WITH OFFICE REPORT)

SLP(C)No.1326/2014
[STATE OF ORISSA & ORS. Vs. SARAT KUMAR RATHA]
(WITH OFFICE REPORT)

SLP(C)No.1325/2014
[STATE OF ORISSA & ORS. Vs. SARAT KUMAR RATHA]
(WITH OFFICE REPORT)

SLP(C)No.1285/2014
[STATE OF ODISHA AND ORS. Vs. PRADIPTA KUMAR NATH]
(WITH OFFICE REPORT)

SLP(C)No.1286/2014
[STATE OF ODISHA & ORS. Vs. KIRTAN MAHALIK]
(WITH OFFICE REPORT)

SLP(C)No.1318/2014
[STATE OF ODISHA & ORS. Vs. SUJIT KUMAR ROUSTRAY]
(WITH OFFICE REPORT)

SLP(C)No.1324/2014
[SUJIT KR.ROUSTRAY Vs. STATE OF ODISHA AND ORS.]
(WITH OFFICE REPORT)

SLP(C) Nos. 4764-4765/2014
[SRI OM PRAKASH SINGH & ANR. ETC. V. STATE OF ODISHA AND ORS.]
(With office report)

SLP(C) NO. 5461/2014
[STATE OF ORISSA & ORS. V. BIMALA DALABEHERE]
(With office report)

SLP(C) NO. 5732/2014
[SAROJINI SATPATHY V. STATE OF ODISHA & ORS.]
(With office report)

Date: 07/02/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)
in SLP 1324 Mr. Suresh Chandra Tripathy, Adv.

In SLP 5732 Mr. Sanjeeb Panigrahi, Adv.
Mr. Purushotham Sharma, Adv.
Mr. L. Nidhiram, Adv.
Mr. Mukesh Kumar Singh, Adv.
Ms. Filza Moonis, Adv.

In SLP 4764-4765 Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. S.N. Bhat, Adv.
Mr. D.P. Chatruvedi, Adv.
Mr. N.P.S. Panwar, Adv.
Mr. Ravi Panwar, Adv.
Mr. Dashrath T.M., Adv.

In Rest of the Mr. Mukul Rohtagi, Sr. Adv.
Matters Mr. Shibashish Misra, Adv.

For Respondent(s)

in SLP 1285 & 1286

Mr. Kedar Nath Tripathy, Adv.

In SLP 1318

Mr. Suresh Chandra Tripathy, Adv.

In SLP 1205

Mr. Merusagar Samantaray, Adv.
Mr. Arun Patra, Adv.

In IA 1248

Mr. Ashok Panigrahi, Adv.
Ms. Ashmi Mohan, Adv.
Mr. Dushyant Arora, Adv.
Mr. Santosh Kumar, Adv.

In SLP 1180, 1226,
1186, 1315, 1272,
1183, 1196 & 1260

Mr. Anup Kumar, Adv.
Mr. Devvrat, Adv.

In SLP 34715

Mr. P.K. Manohar, Adv.
Mr. Ghanshyam, Adv.
Mr. Aboni Kumar Sahu, Adv.

Mr. Bijoy Kumar Jain, Adv.
Mr. A.K. Jain, Adv.
Mr. Pankaj Jain, Adv.

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

We have heard learned counsel for the parties.

As an interim measure, we direct that the directions of the High Court in Paragraph 75 of the impugned order shall remain stayed subject to the following conditions:

(1) Solvency Certificate amount may be brought down to six times of the reserved price of the shop offered for bidding.

(2) There will be insistence of solvency certificate in respect of immovable property inside the State of Odisha.

(3) The bidders of doubtful solvency having criminal antecedents will be scrutinised by the authority.

(4) The objections of the persons residing in the area likely to be affected by the licence shall be considered.

(5) The exact period of settlement of Exclusive privilege through e-auction shall be clarified by the Government.

(6) The Collector will permit the succeeding licensee to take over the left over forfeited stock of foreign liquor on payment of excise duty and cost thereof and adjusted it against the mgq of foreign liquor granted by the succeeding licensee.

We make it clear that any bidder who is aggrieved by the e-auction can move the High Court for relief.

We make it clear that we are not expressing any opinion on the merits of the case.

List the matters in the month of July, 2014.

[KALYANI GUPTA]
COURT MASTER

| [SHARDA KAPOOR]
| COURT MASTER