

ITEM NO.26

COURT NO.5

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA NO. 138597/2021 (APPLN. SEEKING CLARIFICATION TO THE ORDERS DT. 15.12.2017, 27.11.2018 AND 28.01.2019 ON BEHALF OF BENU AGGARWAL) IN W.P. (C) NO.4677/1985 "ONLY" ARE LISTED

MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. PRAVEEN SWARUP, MR. NISHIT AGRAWAL, MR. CHIRAG M. SHROFF, MR. K.K. MOHAN, ADVOCATES)

Date : 11-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For the parties :

MR. S Guru Krishna Kumar, SR. Adv.(A.C.)
MS. Anitha Shenoy, SR. Adv (A.C.)
MR. A.D.N. RAO, SR. Adv (A.C.)

Mr. Tushar Mehta, Ld. SG
Ms. Aishwarya Bhati, Ld. ASG
Ms. Suhasini Sen, Adv.
Mr. Rajat Nair, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Swarupama Chaturvedi, Adv.
Ms. Aankhi Ghosh, Adv.
MR. G.S. Makker, AOR
MR. Amrish Kumar, AOR

Mr. Aishwarya Bhati, ASG
Mr. Rajesh K. Singh, Adv.
Mr. D.L. Chidananda, Adv.
Mr. Rajat Nair, Adv.
Mr. Raj Bahadur Yadav, AOR

Mr. Aishwarya Bhati, ASG
Ms. Suhasini Sen, Adv.
Ms. Kirti Khangarot, Adv.

Ilin Saraswat, Adv.

Ms. Ilma Saifi, Adv.
Ms. Bhanu Priya Sharma, Adv.
Ms. Sunita vishwakarma, Adv.
Ms. Anita Yadav, Adv.
Mr. M.M.Kashyap, AOR

Mr. Manoj Kr. Misra, AOR
Mr. Umesh Dubey, Adv.
Mr. Vishrov Muikerjee, Adv.

Mr. Siddhesh Kotwal, Adv.
Mr. Akash Singh, Adv.

Mr. Smarhar Singh, AOR
Mr. Parvin Kumar Sharma, Adv.
Ms. Shweta Kumari, Adv.
Mr. Ashutosh Thakur, Adv.

PETITIONER-IN-PERSON

Mr. Anil Kumar, Adv.
Mr. Umang Tripathi, Adv.
Mr. Kamal Mohan Gupta, Adv.

Ms. Vertika Sharma, Adv.
Mr. Mayur Srivastava, Adv.
Mr. Raj Mohan Gupta, Adv.
Mr. Rajiv Kumar, AOR

Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, AOR
Mr. Lokendra Kumar, Adv.
Mr. Dawneesh Shakivats, Adv.
Ms. Payal Swarup, Adv.

Mr. Nishit Agrawal, AOR
Mr. Harsh Mishra, Adv.

Mr. Anil Grover ,Sr. AAG HARYANA
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Advo.
Mr. Sanjay Kumar Visen, AOR
Mr. Navin Gupta, Adv.

Mr. Alok Gupta, AOR

Mr. Ajay Bansal Adv
Mr. Gaurav Yadava Adv
Ms. Veena Bansal Adv
Mr. Kuldip Singh AOR

Mr. Chirag M. Shroff, AOR

Mr. Amandeep Mehta, Adv

MR. K.K. Mohan, AOR

Ms. Firdouse Qutb Wani, AOR
Md. Zaryab J. Rizvi, Adv.

DR. Manish Singhvi, Sr. Adv.
Mr. Arpit Parkash, Adv.
MR. Milind kumar, AOR

Mr. Saurabh Mishra, AOR
Mr. Aditya Mishra, Adv
Mr. Rakesh Chander, Adv

Mr. Birender Bikram, Dy. AG
Dr. Monika Gusain, AOR

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

IA NO. 138597/2021:

This application has been filed seeking clarification of the orders passed by this Court on 15.12.2017, 27.11.2018 and 28.01.2019. The applicant was running a tailoring shop in the premises which was sealed on 11.06.2007. Liberty was granted by this Court to the applicant to file an appeal for setting aside the order dated 11.06.2007 before the Appellate Tribunal. An appeal was filed by the applicant which is pending before the Tribunal. In the meanwhile, this Court by an order dated 15.12.2017 in I.A.No.93010 and 93007 of 2017 clarified that from the date of the said order, it will not be necessary for persons whose premises were sealed to file an appeal before the appropriate Statutory Appellate Tribunal. Such persons

whose premises have been sealed were permitted to directly approach the Monitoring Committee. Thereafter, by orders dated 27.11.2018, 28.01.2019, this Court clarified that no court or Tribunal or any other authority shall adjudicate matters pertaining to de-sealing.

The order dated 15.12.2017 is clear in as much as it specifies that it is applicable only to the applications that would be filed after the date of the order. As the appeal filed by the applicant was prior to the said date, the Appellate Tribunal cannot be deterred from hearing the appeal.

As the appeal filed by the applicant has been pending for the last 5 years and relates to a small premises run by the applicant, the Appellate Tribunal is directed to dispose of the appeal expeditiously and not later than three months from today.

Interlocutory application stands disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master