

# VERDICTUM.IN

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ITEM NO.21

COURT NO.1

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)(Criminal) No(s).120/2012

MANOHAR LAL SHARMA

Petitioner(s)

VERSUS

THE PRINCIPAL SECRETARY & ORS.

Respondent(s)

WITH

W.P.(C) No. 463/2012 (PIL-W)

W.P.(C) No. 515/2012 (PIL-W)

W.P.(C) No. 283/2013 (PIL-W)

CONMT.PET.(Crl.) No. 2/2015 In W.P.(Crl.) No. 120/2012 (PIL-W)

CONMT.PET.(Crl.) No. 4/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)

CONMT.PET.(Crl.) No. 1/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)

CONMT.PET.(Crl.) No. 2/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)  
(WITH IA No.101854/2017-APPROPRIATE ORDERS/DIRECTIONS)

CONMT.PET.(Crl.) No. 10/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)

CONMT.PET.(Crl.) No. 9/2016 In W.P.(Crl.) No. 120/2012 (PIL-W)

Diary No(s). 553/2019 (II-C)

(FOR ADMISSION and I.R. and IA No.5514/2019-CONDONATION OF DELAY IN  
FILING and IA No.5515/2019-EXEMPTION FROM FILING O.T.)

Date : 14-08-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Satyajit A Desai, Adv.  
Mr. Vijay Raj Singh Chouhan, Adv.  
Mr. Abhinav K. Mutyalwar, Adv.  
Mr. Siddharth Gautam, Adv.  
Mr. Gajanan N Tirthkar, Adv.  
Ms. Anagha S. Desai, AOR

Mr. Prashant Bhushan, AOR  
Mr. Pranav Sachdeva, Adv.

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## Petitioner-in-person

Mr. Colin Gonsalves, Sr. Adv.  
Mr. Deepak Kumar Singh, Adv.  
Mr. Satya Mitra, AOR

Mr. Tushar Mehta, Solicitor General  
Mr. Balbir Singh, A.S.G.  
Mr. Rajat Nair, Adv.  
Mr. Shyam Gopal, Adv.  
Mr. Chinmayee Chandra, Adv.  
Ms. Vimla Sinha, Adv.  
Mr. Gurmeet Singh Makker, AOR

Mr. R.S. Cheema, Sr. Adv.  
Mr. Amit Anand Tiwari, AOR  
Mr. Sanchit Guru, Adv.  
Ms. Tarannum Cheema, Adv.  
Ms. Devyani Gupta, Adv.  
Ms. Tanvi Anand, Adv.  
Ms. Saushriya Haveliya, Adv.  
Mr. Akash Singh, Adv.  
Ms. Vatsala Chandra, Adv.

## For Respondent(s)

Mr. Tushar Mehta, Solicitor General  
Ms. Aishwarya Bhati, A.S.G.  
Mr. R. Bala, Sr. Adv.  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Gautam Bhardwaj, Adv.  
Mr. Arkaj Kumar, Adv.  
Mr. Rajat Nair, Adv.

Mr. Tushar Mehta, Solicitor General  
Ms. Aishwarya Bhati, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Rajat Nair, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Madhav Singhal, Adv.  
Mr. Pratyush Srivastav, Adv.

Mr. Tushar Mehta, Solicitor General  
Mrs. Aishwarya Bhati, A.S.G.  
Mr. Rajat Nair, Adv.  
Ms. Vimla Sinha, Adv.  
Mr. Madhav Sinhal, Adv.  
Mr. Pratyush Shrivastava, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mrs. Shally Bhasin, AOR

Mr. Mahesh Agarwal, Adv.

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Mr. Victor Das, Adv.  
Mr. Ankur Saigal, Adv.  
Ms. Madhavi Agarwal, Adv.  
Mr. E. C. Agrawala, AOR

Mr. V. N. Raghupathy, AOR

Mr. Tapesk Kumar Singh, A.A.G./AOR  
Mr. Aditya Pratap Singh, Adv.  
Mr. Prashant Bhardwaj, Adv.

Mr. Shatadru Chakraborty, Adv.  
Ms. Sonia Dube, Adv.  
Ms. Kanchan Yadav, Adv.  
Mr. Tanishq Sharma, Adv.  
For M/S. Legal Options, AOR

Mr. R.S. Cheema, Sr. Adv.  
Mr. Amit Anand Tiwari, AOR  
Mr. Sanchit Guru, Adv.  
Ms. Tarannum Cheema, Adv.  
Ms. Devyani Gupta, Adv.  
Ms. Tanvi Anand, Adv.  
Ms. Saushriya Haveliya, Adv.  
Mr. Akash Singh, Adv.  
Ms. Vatsala Chandra, Adv.

Ms. Hemantika Wahi, AOR

Ms. Binu Tamta, AOR

Ms. Rukhmini Bobde, Adv.  
Ms. Soumya Priyadarshinee, Adv.  
Mr. Ankit Ambasta, Adv.  
Mr. Amit Srivastava, Adv.  
Mr. Amlaan Kumar, Adv.  
Mr. Kumar Vaibhaw, Adv.  
Ms. Devina Sehgal, AOR  
Mr. Anmol Sehgal, Adv.

Mr. Abhimanyu Bhandari, Adv.  
Ms. Rooh-e-hina Dua, AOR

Ms. Bharti Tyagi, AOR

Mr. Chandra Prakash, AOR

Mr. Prem Prakash, AOR

Ms. Swati Ghildiyal, AOR  
Ms. Devyani Bhatt, Adv.

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Mr. Kaustubh Shukla, AOR  
Ms. Manika Jolly, Adv.  
Mr. Mainak Sarkar, Adv.

Ms. Neha Sharma, AOR

Mr. Zoheb Hossain, AOR

Mr. G. N. Reddy, AOR

Mr. Tushar Bakshi, AOR

Mr. Kartik Seth, Adv.  
Mr. James Bedi, Adv.  
M/S. Chambers Of Kartik Seth, AOR

Mr. V. Shyamohan, AOR

Ms. Pallavi Langar, AOR

Mr. Jayant Mohan, AOR

M/S. Karanjawala & Co., AOR

Ms. Sujata Kurdukar, AOR

Mr. Pranav Sachdeva, AOR

M/S. Dua Associates, AOR

Mr. Kunal Verma, AOR

Mr. Parijat Sinha, AOR

Mr. Ashwarya Sinha, AOR

Mr. Mohan Prasad Gupta, Adv.  
Mr. Manoranjan Paikaray, Adv.  
Mr. Aniruddha Purushotham, Adv.  
Mr. Tejaswi Kumar Pradhan, AOR  
Mr. Aniket Gupta, Adv.

Mr. Rauf Rahim, AOR

Mr. Gopal Jha, AOR

Mr. Pawan Upadhyay, Adv.  
Ms. Sharmila Upadhyay, AOR  
Mr. Sarvjit Pratap Singh, Adv.

Mr. Ramendra Mohan Patnaik, AOR

## VERDICTUM.IN

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M/S. Parekh & Co., AOR

Mr. Vikram Chaudhri, Sr. Adv.

Mr. Nikhil Jain, AOR

Mr. Rishi Sehgal, Adv.

Mr. Keshavam Chaudhri, Adv.

Ms. Arveen Sekhon, Adv.

Ms. Hargun Sandhu, Adv.

Ms. Nikita Gill, Adv.

Ms. Divya Jain, Adv.

Ms. Monica Dhingra, Adv.

Mr. Braj Kishore Mishra, AOR

Mr. B. Balaji, AOR

Ms. Kamini Jaiswal, AOR

Mr. Amit Sharma, AOR

Mr. Amarjit Singh Bedi, AOR

Mrs. Kirti Renu Mishra, AOR

Mrs. Apurva Upmanyu, Adv.

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Polanki Gowtham, Adv.

Mr. T Vijaya Bhaskar Reddy, Adv.

Ms. Rajeswari Mukherjee, Adv.

Mr. Niti Richhariya, Adv.

Ms. Niti Richhariya, Adv.

Mr. Dinesh Kumar Garg, AOR

Mr. Abhishek Garg, Adv.

Mr. Dhananjay Garg, Adv.

Mr. Ishaan Tiwari, Adv.

Ms. Asha Gopalan Nair, AOR

Mr. Mishra Saurabh, AOR

M/S. Khaitan & Co., AOR

Ms. Aparna Bhat, AOR

Ms. Aparna Jha, AOR

Mrs. Pragya Baghel, AOR

ED

Mr. Maninder Singh, Senior Advocate (SPP)

Mr. Rajesh Batra, Adv.

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

- 1 The Central Bureau of Investigation<sup>1</sup> has placed on the record a “Note on Administrative Issues” moved by Mr Praveen Sood, Director, CBI.
- 2 The Note indicates that the present status of the investigation and prosecution in the coal block allocation cases is as follows:

“Total No of Coal Block Cases	:	57
Charge-sheet filed	:	44
Closure report filed	:	02
Under Field investigation, awaiting orders	:	02
Awaiting sanction, filing of Final Form and LR	:	09
Trial over	:	15
Trial Pending	:	29
Closure Accepted	:	01
Closure pending	:	01

It may be noted that field investigation is pending only in one case which is also likely to be completed very shortly.”

- 3 In its previous orders, this Court had indicated that no officers who were investigating the coal block allocation cases shall be moved out without its prior permission.
- 4 CBI has submitted that in view of the fact that the stage of investigation has been substantially completed, as reflected in the above extract, it is appropriate that the following senior officers/investigating officers are repatriated to their parent cadres since they have overstayed their tenure of deputation. The names of the officers are set out in paragraph 16 of the Note, which is extracted below:

1 “CBI”

- “(i) Shri Vineet Vinayak, IPS (SK:1995), Joint Director, CBI may be dissociated from the list of officers involved in the investigation/supervision of the Coal Block Allocation Cases.
- (ii) Shri Amit Kumar, IPS (Chhattisgarh:1998), Joint Director, CBI may be dissociated from the list of officers involved in the investigation/supervision of the Coal Block Allocation Cases.
- (iii) Shri Keshav Ram Chaurasia, IPS (J&K: 2013), DIG, CBI may be dissociated from the list of officers involved in the investigation/supervision of the Coal Block Allocation Cases.
- (iv) Shri Prem Kumar Gautam, IPS (UP: 2005), DIG, CBI may be dissociated from the list of officers involved in the investigation/supervision of the Coal Block Allocation Cases.
- (v) Shri Jeetendra Sharma, Inspector, EO-I, CBI may be dissociated from the list of officers involved in the investigation of the Coal Block Allocation Cases.
- (vi) Shri J R Katiyar, Inspector, EO-II, CBI may be dissociated from the list of officers involved in the investigation of the Coal Block Allocation Cases.
- (vii) Shri Rajbir Singh, Inspector, EO-III, CBI may be dissociated from the list of officers involved in the investigation of the Coal Block Allocation Cases.”

5      Acceding to the request of CBI, we permit the relieving of the officers so as to facilitate their repatriation to their parent cadres. In order to facilitate CBI in making transitional arrangements and complete administrative formalities for handing over of charge, we direct that they shall be relieved on or before 30 September 2023.

6      On the request of Mr R S Cheema, Special Public Prosecutor appointed by this Court, we clarify that the tenure of the officers up to the date of their relieving shall stand regularized.

7      The replacement panel shall be finalized by the Director, CBI in consultation with Mr R S Cheema, Special Public Prosecutor. A copy of the replacement panel

shall be placed on the record of this Court.

8 List the proceedings on 28 August 2023.

9 IA No 35 of 2015 shall also be listed on the next date of listing.

**Special Leave Petition (Civil) Diary No 553 of 2019**

10 Delay condoned.

11 In the facts and circumstances of the present case, we are not inclined to exercise the jurisdiction under Article 136 of the Constitution.

12 The Special Leave Petition is dismissed.

13 Pending application, if any, stands disposed of.

**IA No 159273 of 2023**

14 IA No 159273 of 2023 has been moved by the Enforcement Directorate (ED) by way of abundant caution for clarification of the expression "transfer" in paragraph 2 of the order dated 24 July 2023.

15 The IA is taken on board.

16 The ED seeks a clarification that the expression "transfer" may be read as "relieve" so as to enable the applicant - ED to relieve the officers.

17 The IA is accordingly allowing by issuing a clarification in terms as sought.

**(SANJAY KUMAR-I)  
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)  
ASSISTANT REGISTRAR**