

ITEM NO.22 Court 7 (Video Conferencing) SECTION III

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

CONMT.PET.(C) No. 429/2020 in C.A. No. 14697/2015

K K AGARWAL Petitioner(s)

VERSUS

SANJIV NANDAN SAHAI & ANR. Respondent(s)/
Alleged Contemnors

Date : 28-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Ravi Sharma, AOR

For Respondent(s) Mr. Tushar Mehta, SG
Ms. Madhvi Divan, ASG
Mr. Gurmeet Singh Makker, AOR
Mr. Balendu Shekhar, Adv.
Mr. Abhishekh Atrey, Adv.

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

We have heard Mr. Tushar Mehta, learned Solicitor General.

We are unequivocally of the view, that the appointments of any Member after our judgment could not have taken place without first appointing a Member from law.

Learned Solicitor General submits that a third time the process for appointing a person of law (the earlier two processes not having found any suitable person) is expected to be concluded during the month of September, 2020. We take the statement on record.

We are however of the view that any Member who has been appointed after our judgment, should not be permitted to function as that would be permitting functioning contrary to the judgment of this Court requiring a person from law to be appointed first. Learned Solicitor General states that one or more person is so appointed would be asked to proceed on leave till such time as the person from law is appointed. We take the statement on record.

We make it clear that our order is not a reflection on the merits of the person/s so appointed but it is necessary to ensure that the true intent and spirit of the order passed by us is adhered to.

At request of the learned Solicitor General, list on 25th September, 2020.

We make it clear that if the person of law is so appointed within this period of time, the persons who would go on leave would be permitted to re-join.

(CHARANJEET KAUR)
AR-CUM-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR