

ITEM NO.64

COURT NO.4

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s).16107-16108/2016

(Arising out of impugned final judgment and order dated 24/05/2016 in WPC No. 5888/2015 and CMA No. 16088/2016 passed by the High Court of Delhi at New Delhi)

GOVT. OF NCT OF DELHI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and permission to bring additional facts and documents on record and interim relief and office report)

Date : 08/07/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Ms. Indira Jaising, Sr. Adv.  
Mr. Devadutt Kamat, Adv.  
Mr. Chirag M. Shroff, AOR  
Meher Dev, Adv.  
C. Kothari, Adv.

For Respondent(s) Mr. Mukul Rohtagi, AG  
Ms. Diksha Rai, Adv.  
Mr. Saurabh Kirpal, Adv.  
Mrs. Anil Katiyar, AOR

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

Heard Ms. Indira Jaising, learned senior counsel along with Mr. Devadutt Kamat, Mr. Chirag M. Shroff and Mr. M. Dev and Mr. C. Kothari, learned counsel for the petitioner and Mr. Mukul Rohtagi, learned Attorney General for India along with Ms. Diksha Roy, learned counsel for the respondent.

The present special leave petitions call in question the legal propriety of the order dated May 24, 2016 passed by the Division

Bench of the High Court of Delhi. The said order reads as follows :

"CM No.16088/2016 in W.P. (C) 5888/2015  
CM No.16063/2016 in W.P.(C) 7934/2015

Arguments on behalf of both the parties are concluded.

Orders reserved.

CM No.20304/2016 in W.P.(C) 8867/2015

It is represented by the learned counsel for both the parties that the arguments in CM Nos.16088 and 16063/2016 are adopted and there is no need of further hearing.

Reserved for orders along with CM No.16088/2016 in W.P.(C) 5888/2015 and CM No.16063/2016 in W.P.(C) No.7 934/2015.

W.P.(C)5888/2015; W.P.(C) 7887/2015; W.P.(C) 8190/2015; W.P.(C)7934/2015; W.P.(C) 8382/2015; W.P.(C) 8867/2015; W.P.(C) 9164/2015; W.P.(C) 348/2016; W.P.(Cr1) 2099/2015

The hearing in all the writ petitions was already concluded on 03.05.2016.

Judgment reserved.

Written submissions, if any, be filed positively by 27<sup>th</sup> May, 2016."

It is submitted by Ms. Jaising, learned senior counsel for the petitioner that the High Court could not have entertained the writ petition, regard being had to the exclusive jurisdiction of this Court under Article 131 of the Constitution of India. On a perusal of the cause title, we find that the petitioner had approached the High Court. Be it noted, at one point of time, the matter had travelled to this Court in SLP (Cr1) No.282 of 2016 and this Court had passed the following order :

"We had, vide order dated 22<sup>nd</sup> February, 2016, requested the High Court to finalize the matter with regard to the interpretation of Article

239AA by the end of March, 2016. We have been told that a batch of matters is being heard together and it will take some time. Be that as it may, we would request the High Court of Delhi to finalize the matters by end of July, 2016.

Let the matters be listed on 16<sup>th</sup> August, 2016.

Needless to say, the parties shall complete the pleadings by the next date of hearing of this case.

The interim order passed on the earlier occasion shall continue till the next date of hearing."

Needless to say, the order dated 12.04.2016 has been brought to our notice by the learned Attorney General for India.

At this juncture, Ms. Jaising submitted that the said order does not relate to this batch of petitions. Be it clarified, in the said order, this Court had referred to batch of matters pertaining to dispute between the Government of NCT of Delhi and the Union of India.

In our considered opinion, when the High Court has already heard the matter and reserved the judgment on all the issues including the preliminary issue, it is desirable that the High Court should pronounce the judgment. Thereafter, needless to say, it will be open to the parties to seek their remedies as advised in law.

With the aforesaid observation, the special leave petitions stand disposed of.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master