

ITEM NO.4 Court 6 (Video Conferencing)

SECTION II-C

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

Criminal Appeal No(s). 1177-1179/2021

AZIM HASHAM PREMJI & ANR.

Appellant(s)

VERSUS

INDIA AWAKE FOR TRANSPARENCY & ORS.  
([FOR DIRECTIONS])

Respondent(s)

IA NOS.744/2022- APPLICATIONS FOR MODIFICATION OF ORDER DATED  
02.12.2021,

IA NOS.748/2022- FOR EXEMPTION FROM FILING NOTARISED AFFIDAVIT

IA NOS.752/2022 - FOR MODIFICATION OF ORDER DATED 02.12.2021

IA NOS.744/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON

WITH

Cr1.A. No. 1180-1182/2021 (II-C)

Cr1.A. No. 1183-1185/2021 (II-C)

Cr1.A. No. 1186-1187/2021 (II-C)

Cr1.A. No. 1188/2021 (II-C)

I.A. No.166213/2022 - FOR DIRECTIONS

Date : 11-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Mr. S. Ganesh, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Himanshu Satija, Adv.  
Ms. Aarushi Tiku, Adv.  
Mr. E. C. Agrawala, AOR

Dr. R. Prakash, Adv.  
Dr. Pooja Jha, Adv.  
Ms. Nandita Jha, Adv.  
Mr. A. Mohan, Adv.  
Mr. Vishwa Pal Singh, AOR

Mr. P. B. Suresh, Adv.  
Mr. Vipin Nair, AOR  
Mr. Arindam Ghosh, Adv.  
Mr. Karthik Jayashankar, Adv.  
Mr. Prakash Baghel, Adv.

For Respondent(s)

Mr. R. Subramanian, Adv.  
Ms. Shruti Agarwal, AOR

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

Application for exemption from filing notarized affidavit is allowed.

Application for permission to appear and argue in person is allowed.

We are informed by learned counsel for the appellant that hearing in contempt case being Cr1.CCC No.9/2021 stands concluded and the judgment has been reserved.

It is his further submission that he would like to point out to the Court that the counsel for the respondent stands convicted for a cheque bouncing case which has been placed on record vide compilation of orders/judgment on behalf of the appellant filed on 10.01.2022 sentencing him to two years imprisonment and a fine of Rs.62,63,59,893/- crores. It is his plea that it is a cheque bouncing case which has given rise to the vendetta on the part of the respondent/counsel for the respondent, a position naturally disputed by the counsel for the respondent.

Learned counsel for the appellant also submit that the synopsis have been filed by both the sides and in fact he will take even less time than as specified in the last order as he perceives there is some admission in the synopsis of the respondent. That, in our view, will be a matter to be considered at the stage of arguments.

Learned counsel in Criminal Appeal No.1188/2021 submits that he has moved I.A. No.166213/2022 in view of what has transpired in the Court on the last date. The conspectus of this application is limited as it relates to the gratuity amounts payable to the applicant along with commutation of pension. The applicant has retired as a Regional Director on 30.07.2021 and these two amounts are being withheld. There are stated to be some amounts towards grant of non-functional up-gradation and withholding/loss of higher pensionary benefits consequently. He has drawn our attention to Annexure A-1 to the application dated 25.06.2021 where the Under Secretary of Government of India has referred to the pensionary papers stating that it is not clear whether it is free from vigilance angle as judicial proceedings are pending which are the present proceedings.

Counter affidavit has been filed by the respondent which we have taken note of, but it is our view that the same should not be an impediment in respect of the order that we propose to pass.

On a conspectus of the matter, we are of the view that all the necessary amounts admissible to the applicant ought to be remitted and the pendency of the present proceedings should not come in the way of remitting the said amounts.

We also make it clear that the pendency of the present proceedings, the impugned order having been stayed, will

not stand in the way of any post-retirement opportunity to the applicant in terms of making an application for appointment to any forum.

The application stands disposed of.

IA NO.744/2022- FOR MODIFICATION OF ORDER DATED 02.12.2021

IA NOS.752/2022 - FOR MODIFICATION OF ORDER DATED 02.12.2021 IN CRIMINAL APPEAL NO.1177-1179/2021

The applications are dismissed as withdrawn at the request of the respondent as the judgment in the contempt proceedings stands reserved leaving all liberties open to him.

List for directions on 08.02.2022 by which time possibly the judgment of the Karnataka High Court may also be available.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(RAM SUBHAG SINGH)  
BRANCH OFFICER