

ITEM NO.47

COURT NO.1

SECTION X/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 (CIVIL) NO(S). 1309/2018

ALOK KUMAR VERMA

PETITIONER(S)

VERSUS

UNION OF INDIA &amp; ANR.

RESPONDENT(S)

I.A. NO.157831/2018 - CLARIFICATION/DIRECTION

I.A. NO.154705/2018 - EX-PARTE STAY

I.A. NO.157829/2018 - INTERVENTION APPLICATION

WITH

W.P.(C) NO. 1315/2018 (PIL-W)

(FOR ADMISSION AND IA NO.155145/2018-APPROPRIATE ORDERS/DIRECTIONS)

Date : 16-11-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For parties :

Mr. F.S. Nariman, Sr. Adv.  
Mr. Gopal Sankaranarayanan, Adv.  
Ms. Pooja Dhar, AOR  
Ms. Gayatri Verma, Adv.  
Ms. Aishwarya Kane, Adv.

Mr. Sanjay R. Hegde, Sr. Adv.  
Mr. Pranjal Kishore, Adv.  
Ms. Pooja Dhar, AOR

Mr. Dushyant Dave, Sr. Adv.  
Mr. Prashant Bhushan, AOR  
Mr. Pranav Sachdeva, Adv.  
Mr. Rohit Kumar Singh, Adv.  
Ms. Surabhi Kumari, Adv.

Mr. K.K. Venugopal, AG  
Mr. Tushar Mehta, SG  
Mr. R. Balasubramanian, Adv.  
Mr./Ms. Charanayai T. Kumaran, Adv.  
Mr. T.A. Khan, Adv.  
Ms. L. Charanya, Adv.  
Mr. Sachin Sharma, Adv.  
Mr. B.K. Prasad, AOR  
Mr. Arvind Kumar Sharma, AOR

Mr. Tushar Mehta, SG  
Ms. Tatini Basu, AOR  
Mr. Rajat Nair, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Manan Popli, Adv.  
Mr. Ranvijay Singh, Adv.

Mr. K. Parameshwar, AOR  
Mr. M.V. Mukunda, Adv.

Mr. Rajeev Dhavan, Sr. Adv.  
Mr. Sunil Fernandes, AOR  
Mr. Nupur Kumar, Adv.  
Mr. Darpan Sachdeva, Adv.  
Ms. Priyansha Indra Sharma, Adv.

Mr. Kapil Sibal, Sr. Adv.  
Mr. Devadatt Kamat, Adv.  
Mr. Rajesh Inamdar, Adv.  
Mr. Nizam Pasha, Adv.  
Mr. Javedur Rahman, Adv.  
Mr. Aditya Bhat, Adv.  
Mr. Gautam Talukdar, AOR

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. A. Sharan, Sr. Adv.  
Mr. Amit Anand Tiwari, AOR  
Ms. Mary Mitzy, Adv.  
Mr. Shashwat Singh, Adv.  
Mr. Samarth Khanna, Adv.

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

Pursuant to the order of this Court dated 26<sup>th</sup> October, 2018 the Central Vigilance Commission ("CVC") has filed a report in sealed cover.

Shri Justice A.K. Patnaik, retired judge of this Court who had been requested by the Court to supervise the enquiry by the CVC has also submitted a note. We express our gratitude to Shri Justice A.K. Patnaik for sparing his valuable time and supervising the enquiry in question.

We have perused the report of the CVC. We are of the view that, at this stage, and before taking any decision thereon a copy of the report of the CVC (along with Annexures thereto) should be furnished by the Registry of this Court, in sealed cover, to the learned counsel appearing for the petitioner - Alok Kumar Verma in Writ Petition (Civil) No.1309 of 2018. We order accordingly. It will be open for the petitioner - Alok Kumar Verma in Writ Petition (Civil) No.1309 of 2018 to file his response to the said report of the CVC again in sealed cover.

The above course of action has been considered necessary by the Court keeping in mind the need to preserve and maintain the sanctity of the institution of the CBI and public confidence in the said institution. We also make it

clear that the present order requiring furnishing the report of the CVC in sealed cover to the learned counsel for the petitioner is being made in the peculiar facts of the case and as a one time measure.

A copy of the report (along with Annexures thereto), in sealed cover, be also furnished to the office of the learned Attorney General for India and to the office of the learned Solicitor General of India who represents the CVC.

Needless to say, the report of the CVC directed to be furnished to the office of the learned Attorney General for India; to the office of the learned Solicitor General of India and to the learned counsel for the petitioner - Alok Kumar Verma in Writ Petition (Civil) No.1309 of 2018 in sealed cover will be treated with utmost confidentiality for the reasons afore-stated.

Shri F.S. Nariman, learned Senior Counsel appearing for the petitioner - Alok Kumar Verma in Writ Petition (Civil) No.1309 of 2018 has submitted that he will be ready with the reply/response to the report of the CVC by Monday i.e. 19<sup>th</sup> November, 2018. The said report be submitted to the learned Secretary General of this Court by 1.00 p.m. on Monday i.e. 19<sup>th</sup> November, 2018.

At this stage, we are not inclined to call upon either the Union of India or any other party to submit any

response/reply to the said report of the CVC and the only response the Court is permitting is that of the petitioner - Alok Kumar Verma in Writ Petition (Civil) No.1309 of 2018.

The matters will be considered on Tuesday i.e. 20<sup>th</sup> November, 2018.

In so far as the decisions taken by the Acting Director M. Nageshwar Rao (respondent No. 6 in Writ Petition (Civil) No.1315 of 2018) are concerned, we have considered the details of the decisions that he has taken upto the date of the order i.e. 26<sup>th</sup> October, 2018. While it will be open for any party to supplement the said list, we defer consideration of the matter to Tuesday next i.e. 20<sup>th</sup> November, 2018.

I.A.No. 157829/2018 (for Intervention) and I.A. No. 157831/2018 (for directions) in Writ Petition (Civil) No.1309 of 2018 will also be taken on Tuesday next i.e. 20<sup>th</sup> November, 2018.

List the matters on Tuesday next i.e. 20<sup>th</sup> November, 2018.

[VINOD LAKHINA]  
AR-cum-PS

[ASHA SONI]  
ASSISTANT REGISTRAR