

(Supreme Court Of India)

Mukund Swarup Mishra

v.

Union of India & Others

(Y.K. Sabharwal and P.P. Naolekar)

Transferred Case (Civil) No. 100 Of 2002 With Transferred Case (Civil) No. 101 & 108 Of 2002 | 13-12-2004

1. Various applications have been filed raising objections to the report dated 29th September, 2004, filed by the Committee comprising of Mr. Justice S.C. Agrawal, former Judge of this Court, and Mr. Justice P.K. Bahri, former Judge of the Delhi High Court. Many applicants seek impleadment and intervention.

2. Before we consider the recommendations made in the report and the various applications that have been filed, it would be necessary to have on record the response of Ministry of Petroleum on the principles taken into consideration by the Committee for coming to the conclusion that in respect of 297 allotments, selection could not be said to be made on the basis of merit or that the allottee did not fulfil the eligibility requirements or had incurred disqualification on account of suppression/concealment of material information relating to their eligibility for consideration. The facts have been gone into in detail by the Committee in its report. At present, the Ministry may not respond to the factual aspects and concentrate on the aspects of principles since we have indicated to learned Counsel that except in rare and exceptional cases, this Court would not go into the facts, the same having been gone into and examined by the Committee.

3. The Ministry shall also place on record its suggestions regarding the steps to be taken in the event of the stay being vacated as interim measure and/or the cancellation of allotment on acceptance of the recommendations made in the report.

4. Learned Counsel appearing for the applicants are directed to file one joint brief synopsis putting on record points sought to be urged against the report.

5. It is also desirable to appoint a Senior Counsel and another Counsel to assist him as amicus to assist the Court in these matters.

6. The aforesaid directions be complied with by 10th January, 2005.

7. List for directions on 18th January, 2005.