

ITEM NO.7

COURT NO.11

SECTION XI-A

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). 15804/2017
(Arising out of impugned final judgment and order dated 20-01-2017
in WA No. 2349/2016 passed by the High Court Of Kerala At
Ernakulam)

ROJER MATHEW

Petitioner(s)

VERSUS

SOUTH INDIAN BANK LTD. AND ORS.

Respondent(s)

(With Interim Relief and
IA No.110266/2017-INTERVENTION/IMPLEADMENT)

Date : 04-04-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

Mr. Arvind P. Datar, Sr. Adv. (A.C.)
Ms. Kanika Kalaiyarasan, Adv.

For Petitioner(s) Mr. Renjith B. Marar, Adv.
Mr. Lakshmi N. Kaimal, AOR
Mr. Anubhav Anand Pandey, Adv.
Mr. Krishnadas Villadath, Adv.

For Respondent(s) Mr. Maninder Singh, ASG
Ms. V. Mohana, Sr. Adv.
Mr. R. Balasubramanin, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. M.K. Maroria, Adv.
Ms. Kashvi Dutta, Adv.
Mr. Pushkar Taimni, Adv.

Mr. P. I. Jose, AOR
Mr. P.S. Chandralekha, Adv.
Mr. Shashank Mishra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Learned Additional Solicitor General seeks further time to
respond to the issues noted in the order dated 15th March, 2018.

While granting the time as prayed, following further issues have emerged during the hearing which may also need to be reflected in the response to be filed by the Union of India:

i) How to remedy the handicap in access to justice when a Tribunal has only one seat for its working to the exclusion of jurisdiction of all other courts in the country as noted in Gujarat Urja Vikas Nigam Limited versus Essar Power Limited, (2016) 9 SCC 103 para 34. In such cases, question is whether jurisdiction of the Tribunal can be conferred on a specified court nominated by the High Court in each of the State or, where work of such nature may be insignificant in some States, on one officer in more than one States.

ii) Whether 'Access to Justice Facilitation Centres' (AJFCs), with or without private participation, can be set up at convenient locations in the country from where a party can access a Court or Tribunal located at long distance with or without payment of such specified charges. Such centres may also have facilities for e-filing and such other services as may facilitate a party for participation in proceedings. This may enhance access to justice and obviate need for travelling long distances, particularly if such parties are in remote areas.

iii) Whether in absence of availability of suitable persons of statutorily prescribed qualifications to man Tribunals/Commissions, pending filling up of vacancies, such Tribunals/Commissions can be manned by existing courts

in consultation with the High Courts. Needless to say that servicing officers are duly selected and accountable in the matter of performance and discipline.

iv) Whether power of Commissions/Tribunals having overlapping jurisdiction such as Human Rights Commissions, having only one seat in a State, can be conferred on specified courts in one or more districts, in addition to or in substitution of such Commission, so as to make access to justice available at the grass root.

Let the affidavit of the Union of India be filed in the matter by 30th April, 2018.

List for further consideration on Wednesday, the 2nd May, 2018.

(MAHABIR SINGH)
COURT MASTER

(MALA KUMARI SHARMA)
BRANCH OFFICER