

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No 927 of 2020
(Arising out of SLP (C) No 314 of 2020)

Umesh Kulkarni

.... Appellant(s)

Versus

Union of India & Ors

....Respondent(s)

ORDER

1 Leave granted.

2 This appeal arises from an order of a Division Bench of the High Court of Judicature at Bombay dated 12 December 2019 in Writ Petition No 2491 of 2013. By the order of the High Court, the *ad interim* order which held the field during the pendency of the Writ Petition was vacated. The reasons which led the High Court to do so are summarised in paragraph 3 of the order, which reads as follows:

“The present petition had appeared on 19.6.2014 before a Division Bench of this Court and this Court refused to vacate the ad-interim order. Today, the petitioner says that the office memorandum issued by Respondent No.1 has been stayed by the Division Bench of this Court. That order is operating from 28.8.2013. We do not think that we should continue this order any longer. More so, when we were prepared to take up the matter, the advocate for the petitioner says that the petitioner has engaged an arguing Counsel, who is unavailable. This is hardly a ground for adjournment. While we adjourn the matter to 9.1.2020, we vacate the ad-interim order.”

3 At this stage, it would be necessary to note that the original *ad interim* order dated 28 August 2013 was modified on 19 June 2014 by the Division Bench so as to restrict it only to the case of the appellant before the High Court.

4 While issuing notice on 10 January 2020, this Court had recorded the submission of the appellant in the following terms:

“The submission of the learned counsel for the petitioner is that the stay which was originally granted by the High Court of Judicature at Bombay on 28 August 2013, continue to remain in operation and the writ petition could not be heard earlier because of the pendency of the transfer petition filed by the Union of India in 2014 before this Court which was eventually withdrawn on 9 April 2018. Learned counsel submitted that on 19 June 2014, the High Court refused to vacate the stay. Learned counsel submitted that, during the pendency of the petition, when it was listed on nearly twenty occasions, it was only on four occasions that adjournments were sought on behalf of the petitioner. It has been submitted that as a result of the impugned order vacating the stay, nearly thirty projects where the petitioner has been engaged as an Environmental Consultant, would be in jeopardy.”

5 In pursuance of the notice issued by this Court, we have heard the learned counsel appearing on behalf of the appellant and the contesting respondent.

6 We are of the view that the *ad interim* order of the High Court dated 28 August 2013, as modified on 19 June 2014, should be restored, subject to the condition that the appellant shall cooperate with the High Court in the expeditious disposal of the Writ Petition which is pending since 2013. This Court has been assured that the appellant will not seek any further adjournment before the High Court.

7 We accordingly allow the appeal and set aside the order of the High Court dated 12 December 2019 vacating the *ad interim* order. The order passed by the High Court on 28 August 2013, as modified on 19 June 2014, shall continue to remain in operation, pending disposal of the Writ Petition. There shall be no order as to costs.

8 We, however, clarify that we have not expressed any final or conclusive opinion on the merits of the rival contentions.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[K M Joseph]

New Delhi;
January 31, 2020

ITEM NO.69

COURT NO.7

SECTION IX

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).314/2020

(Arising out of impugned final judgment and order dated 12-12-2019 in WP No. 2491/2013 passed by the High Court of Judicature at Bombay)

UMESH KULKARNI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH I.R. and IA No.1638/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 31-01-2020 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Ninad Laud, Adv.
Ms. Ananyaa Mazumdar, Adv.
Mr. Kush Chaturvedi, AOR
Ms. Purnima Subba, Adv.
Ms. Aditi Agarwal, Adv.

For Respondent(s) Mr. Devashish Bharuka, Adv.
Mr. S.S. Rebello, Adv.
Mr. G.S. Makkar, Adv.

Mr. Sachin Patil, Adv.
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.
There shall be no order as to costs.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)