

ITEM NO.74

COURT NO.2

SECTION XVIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL) NO. OF 2008
(D.NO.28322 OF 2008)

UNION OF INDIA

Petitioner(s)

VERSUS

ITC LTD.ETC.ETC.

Respondent(s)

(With office report)

With I.A. Nos.63-93 and 94-124 in T.P. (C) Nos.457-487 of 2008
(For stay/direction, intervention/impleadment as party respondent
with office report)

Date: 29/09/2008 These Matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Gopal Subramaniam, ASG

Mr. Mohan Parasaran, ASG

Mr. Naveen Prakash, Adv.

Mr. Mukul Gupta, Adv.

Ms. Mukta Gupta, Adv.

Mr. T.A. Khan, Adv.

Ms. Sushma Suri, Adv.

Mr. D.L. Chidanand, Adv.

For Respondent(s)

Mr. Harish N. Salve, Sr. Adv.

Mr. Arun Jaitley, Sr. Adv.

Mr. Sudhir Chandra, Sr. Adv.

Mr. R.F. Nariman, Sr. Adv.

Mr. Ravinder Narain, Adv.

Ms. Sonu Bhatnagar, Adv.

Ms. Meenakshi Grover, Adv.

Mr. Ajay Aggarwal, Adv.

Ms. Kanika Gomber, Adv.

Ms. Mallika Joshi, Adv.

Mr. Rajan Narain, Adv.

Mr. Sanjai Kumar Pathak, Adv.

□ Ms. Bina Gupta, Adv.

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Mr. Chiraranjan Addey, Adv.

Mr. S.K. Sabharwal, Adv.

Ms. Indira Jaisingh, Sr. Adv.
 Mr. R.S. Suri, Adv.
 Mr. Rahul Malhotra, Adv.
 Ms. Rachita Bansal, Adv.
 Mr. Mohak Sethi, Adv.

Mr. Manu Nair, Adv.
 Mr. Arun Mohan, Adv.

Mr. R.F. Nariman, Sr. Adv.
 Mr. Nikhil Nayyar, Adv.
 Mr. T.V.S. Raghavendra Sreyas, Adv.
 Mr. Ambuj Agrawal, Adv.

UPON hearing counsel the Court made the following
 ORDER

Transfer Petition (C) Nos. D28322/2008:

Heard Mr. Gopal Subramaniam, learned Solicitor General appearing for the petitioner-Union of India and learned counsel appearing on behalf of the writ petitions in the four writ petitions pending in the Delhi High Court.

In the facts and circumstances of the case, Writ Petition (C) No.6985 of 2008, titled as I.T.C. Ltd. vs. Union of India, Writ Petition (C) No.6986 of 2008, titled as Abhinit Agarwal & Anr. vs. Union of India, Writ Petition (C) No.7013 of 2008, titled as Hotel Association of India vs. Union of India, and Writ Petition (C) No.7014 of 2008, titled as Federation of Hotel and Restaurant Asscn. of India vs. Union of India, are transferred to this Court for hearing.

Transfer petitions are, accordingly, allowed.

Heard learned counsel appearing on behalf of the petitioners in all the transferred cases and Mr. Gopal Subramaniam, learned Additional Solicitor General appearing on behalf of Union of India on the prayer for grant of interim relief.

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Having given our anxious consideration to the entire matter, we are of the view that it is not a fit case for grant of interim relief. Accordingly, prayer for staying implementation of Prohibition of Smoking in Public Places Rules, 2008, is hereby rejected. Having given our anxious consideration to the entire matter, we are of the view that it is not a fit case for grant of interim relief. Accordingly, prayer for staying implementation of Prohibition of Smoking in Public Places Rules, 2008, is hereby rejected. Needless to say that no court in the country shall pass any order in derogation of this order.

The applications for intervention are allowed and

they are directed to be impleaded as respondents.

Counter affidavit, if any, may be filed within three weeks. Rejoinder affidavit thereto may be filed two weeks thereafter.

Let the matters be listed on 18th November, 2008, for hearing.

[Alka Dudeja]
Court Master

[Om Prakash]
Assistant Registrar

[Signed order is placed on the file]

□ IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION [CIVIL] NOS. OF 2008
(Diary No.28322/2008)

Union of India ...Petitioner(s)

Versus

I.T.C. Ltd. Etc. Etc. ...Respondent(s)

O R D E R

Heard Mr. Gopal Subramaniam, learned Solicitor General appearing for the petitioner-Union of India and learned counsel appearing on behalf of the writ petitions in the four writ petitions pending in the Delhi High Court.

In the facts and circumstances of the case, Writ Petition (C) No.6985 of 2008, titled as I.T.C. Ltd. vs. Union of India, Writ Petition (C) No.6986 of 2008, titled as Abhinit Agarwal & Anr. vs. Union of India, Writ Petition (C) No.7013 of 2008, titled as Hotel Association of India vs. Union of India, and Writ Petition (C) No.7014 of 2008, titled as Federation of Hotel and Restaurant Asscn. of India vs. Union of India, are transferred to this Court for hearing.

Transfer petitions are, accordingly, allowed.

Heard learned counsel appearing on behalf of the petitioners in all the transferred cases and Mr. Gopal Subramaniam, learned Additional Solicitor General appearing on behalf of Union of India on the prayer for grant of interim relief.

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Having given our anxious consideration to the entire matter, we are of the view that it is not a fit case for grant of interim relief. Accordingly, prayer for staying implementation of Prohibition of Smoking in Public Places Rules, 2008, is hereby rejected. Needless to say that no court in the country shall pass any order in derogation of

this order.

The applications for intervention are allowed and they are directed to be impleaded as respondents.

Counter affidavit, if any, may be filed within three weeks.

Rejoinder affidavit thereto may be filed two weeks thereafter.

Let the matters be listed on 18th November, 2008, for hearing.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

New Delhi,
September 29, 2008.

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