

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.395/2025

ABHINAV BHARAT CONGRESS

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IA No. 100895/2025 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 22-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Petitioner-in-person

For Respondent(s) :

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

Heard petitioner appearing-in-person.

The only substantive prayer made in this petition is in prayer  
clause 'a' which reads thus:

“‘a’ That in light of the observations of this Hon’ble Court in CA No.5634 of 2019, order dated July 29, 2019, the Bench of the Hon’ble High Court of Bombay adjudicating WP 92 of 2023 and Ias filed therein under Article 226 of the Constitution, shall have powers akin to those of this Hon’ble Court under Article 142 of the Constitution of India, to do complete justice to the pious soul of late Edulji Framroz Dinshaw, in lager public interest, by application of *Cy Pres doctrine* on the funds of the Indian Dinshaw Trust.”

The first submission of the petitioner appearing-in-person is  
that this Court should declare that the High Court has powers akin

to those of this Court under Article 142 of the Constitution of India to do complete justice. The second submission made by him is that in the facts of the case, the High Court may be directed to consider the case of the petitioner in accordance with Article 142 of the Constitution of India. The third submission is that Amicus Curiae should be appointed to assist the Court in this case. The fourth prayer is for referring this case to the Constitution Bench.

The prayer made in this petition is completely misconceived. The power under Article 142 of the Constitution of India is only of this Court and not of the High Court. Therefore, we cannot allow the High Court to exercise power vesting in this Court under Article 142 of the Constitution of India while deciding a petition filed by the petitioner under Article 226 of the Constitution of India. This Court cannot grant the only substantive relief sought in this petition.

There is absolutely no merit in the prayer made by the petitioner. Therefore, there is no question of appointing Amicus Curiae or referring the case to the Constitution Bench.

Writ petition filed by the petitioner is pending before the Bombay High Court. All issues in the pending writ petition filed by the petitioner before the High Court are kept open to be decided by the High Court in accordance with law.

Accordingly, the writ petition is dismissed.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)  
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)  
COURT MASTER (NSH)