

2025 LiveLaw (SC) 689

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY APPELLATE JURISDICTION
PRASHANT KUMAR MISHRA; J., MANMOHAN; J.
13 June, 2025
MISCELLANEOUS APPLICATION NOS.1080-1081 OF 2025
[@ I.A.No.144360/2025 – APPROPRIATE ORDERS/DIRECTION]
IN
SPECIAL LEAVE PETITION (CIVIL) NOS. 11164-11165/2022
UNION OF INDIA *versus* BIKASH SAHA & ORS.

Z+ Security - Scope of - The determination of threat perception for Z+ security cover is made by the Government of India and State authorities based on agency inputs and falls outside the judiciary's purview. The Supreme Court dismissed the Application seeking to revoke the Z+ security cover provided to the Ambani family, reiterating that the applicant lacked *locus standi* to challenge the security arrangement. The Court upheld its prior orders dated July 22, 2022, and February 2023, directing that Z+ security cover for the family continue in India and abroad, with costs borne by the Ambanis. The Court cautioned the applicant against filing further frivolous applications, warning of exemplary costs for future violations. The Court rejected arguments that security personnel were required for national security purposes, finding no material change in threat perception to justify altering the security cover. (Para 3, 4)

[Arising out of impugned final judgment and order dated 22-07-2022 in SLP(C) No. 11165/2022 dated 22-07-2022 in SLP(C) No. 11164/2022 passed by the Supreme Court of India]

For Petitioner(s) Mr. Tushar Mehta, Solicitor General Mr. Rajat Nair, Adv. Mr. Rajan Kumar Chourasia, Adv. Ms. Swati Ghildiyal, Adv. Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. Raghav Sabarwal, Adv. Ms. Anzu. K. Varkey, AOR Mr. Mukul Rohatgi, Sr. Adv. Mr. Ashish Batra, AOR

ORDER

1. These Miscellaneous Applications have been preferred by the applicant-Bikash Saha, who was respondent no.1 in SLP (C) Nos.11164-11165/2022, seeking issuance of necessary directions in the following manner:

(i) The issue brought before this Court in these Applications enumerates from the order passed by this Court on 22.07.2022 in SLP (C) Nos.11164-65/2022, wherein this Court observed thus:

"10. Further, it is clear from the record that a similar PIL challenging the grant of Z+ security to the private respondents no. 2 to 6, inter alia, was dismissed by the High Court of Bombay vide order dated 11.12.2019 in Grim. Public Interest Litigation St. No. 42 of 2019, whereby the High Court held as follows:

"8....The Judgment of Hon'ble Supreme Court in Biswanath (supra) is binding throughout the territories of India. We are of the view that the Commissioner of Police, Mumbai and other respondents have no option but to ensure that the highest level "Z+" security is provided to these private respondents to protect their life and liberty, irrespective of whether any individual or any authority is convinced about the existence or otherwise of real threat to their life or liberty, particularly when in terms of the ratio laid down by the Hon'ble Supreme Court in Biswanath's case (supra), these private respondents are willing to bear the entire cost for said security to protect their lives in view of their own grave threat perceptions."

11. *it is not in dispute that private respondents no. 2 to 6 are the promoters of, and in the management of, some of India's biggest and most prominent companies. There are no reasons to disbelieve the existence of threat to the lives of the respondents no. 2 to 6, particularly considering the fact of the incident recounted by learned senior counsel for respondents no. 2 to 6. The petitioner Union of India is already cognizant of this threat and is therefore already providing security. Further, the High Court of Bombay has earlier also recognized the need for Z+ security for the respondents no. 2 to 6, and the Special Leave Petition against the same stands dismissed, in these circumstances, we are not inclined to entertain this issue in a PIL filed by a third party who has not proved his locus.*

12.....*The petitioner-Union of India is directed to provide adequate security to the private respondents no. 2 to 6 at their own expense, as per the earlier directions of the High Court of Bombay."*

(ii) Thereafter, the applicant preferred Miscellaneous Application Nos. 309-10/2023 seeking similar relief as sought in the present Applications and this Court vide order dated 27.02.2023 refused to entertain the said Miscellaneous Applications. At the same time, reiterating the previous order, this Court issued the following directions on 27.02.2023:

"9. Having heard learned counsel for the parties, we are of the considered opinion that if there is a security threat, the security cover provided and that too at own expense of the respondents, cannot be restricted to a particular area or place of stay. Looking into the business activities of the respondent nos. 2 to 6 within the country as also outside the country, the very purpose of providing security cover would stand frustrated, if the same is restricted to a particular place or area.

10. Furthermore, when it was conclusively adjudicated vide order dated 22.07.2022 that the applicant (respondent no. 1 herein) has no locus in the matter, the present MA at his behest is not liable to be entertained.

11. We find that the Security Cover provided to the respondent nos. 2 to 6 has been the subject matter of controversy at different places and in different High Courts. To put an end to entire controversy once and for all, we issue following directions: -

(i) Highest Z+ Security Cover provided to respondent nos. 2 to 6 shall be available all across India and the same is to be ensured by the State of Maharashtra and Ministry of Home Affairs.

(ii) Highest Level Z+ Security Cover, as per the policy of Government of India, be also provided, while respondent nos. 2 to 6 are traveling abroad and the same shall be ensured by the Ministry of Home Affairs.

(iii) The entire expenses and cost of providing Highest level Z+ Security Cover to respondent nos. 2 to 6 within the territory of India or abroad shall be borne by them."

2. It is surprising that despite this Court having observed in the order dated 22.07.2022 that the original petitioner, i.e., the present applicant does not have *locus standi* in the matter and that the threat perception of a party is based on the inputs received from the concerned agencies. The Court cannot adjudicate the same in the present petition filed by the writ petitioner therein who is the applicant herein. Yet the writ petitioner has ventured to prefer a similar prayer time and again, earlier by filing the Miscellaneous Application No. 309-10/2023 and, again, in the present Miscellaneous Applications.

3. It is also significant to note that in the order dated 22.07.2022 in SLP (C) Nos.11164-65/2022, the Union of India submitted that the threat perception in regard to private respondent nos. 2 to 6 has been thoroughly examined by the Union of India before providing them with Z+ security cover. When the matter stands thus, these Miscellaneous Applications are again preferred which are not only frivolous but also vexatious. We again reiterate that the applicant does not have *locus standi* to seek a prayer for withdrawing the Z+ security cover granted to private respondent nos. 2 to 6 by the Union of India and the

State of Maharashtra after thoroughly examining the threat perception in respect of the said private respondents. The applicant has neither any wherewithal nor has produced any material before us that there is any significant change in respect of the security threat of the private respondent nos. 2 to 6. As such, there is no change in threat perception of the private respondents.

4. In such a view of the matter, we refuse to entertain the present Miscellaneous Applications by observing that the Z+ security cover offered to the private respondents shall continue to be given by the concerned agencies in terms of the orders passed by this Court in SLP (C) Nos.11164-65/2022 and Miscellaneous Application Nos.309-10 of 2023. I.A.No.144360/2025 is, accordingly, dismissed.

5. We warn the applicant not to indulge in any similar exercise in future, failing which this Court shall consider imposing exemplary cost upon the applicant.

6. The Miscellaneous Applications stand disposed of.

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