

ITEM NO.43

COURT NO.1

SECTION III-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

Civil Appeal No(s).897/2002

STATE OF U.P.

Appellant(s)

VERSUS

JAI BIR SINGH

Respondent(s)

[TO BE TAKEN UP AT TOP OF THE BOARD]

IA No. 195443/2023 - EARLY HEARING APPLICATION

IA No. 211737/2024 - EARLY HEARING APPLICATION

IA No. 2/2006 - IMPEADMENT FILED BY MR. ANUPAM LAL DAS, ADVOCATE

IA No. 4/2016 - IMPEADMENT FILED BY MR. P. RAMESH KR., ADVOCATE

IA No. 126561/2024 - INTERVENTION APPLICATION

IA No. 91381/2024 - INTERVENTION APPLICATION

IA No. 248201/2023 - INTERVENTION APPLICATION

IA No. 237368/2023 - INTERVENTION APPLICATION

IA No. 3/2007 - INTERVENTION APPLICATION

IA No. 163742/2024 - INTERVENTION APPLICATION

WITH

C.A. No. 4646/2007 (IV)C.A. No. 3647/2007 (IV)SLP(C) No. 1112/2009 (IV-C)C.A. No. 3920/2010 (III-A)C.A. No. 3119/2011 (XV)CONMT.PET.(C) No. 118/2024 in C.A. No. 4569/2002 (III-B)

FOR ADMISSION

C.A. No. 6114/2001 (III-A)C.A. No. 6108/2002 (III-A)C.A. No. 1276/2001 (IV)C.A. No. 1279/2001 (IV)C.A. No. 1278/2001 (IV)C.A. No. 6471/2002 (III)C.A. No. 2506/2002 (III-A)C.A. No. 8597/2001 (III-A)C.A. No. 4569/2002 (III-B)

IA No. 13146/2020 - CLARIFICATION/DIRECTION

IA No. 13147/2020 - EXEMPTION FROM FILING O.T.

C.A. No. 5101/2002 (XII-B)C.A. No. 2409/2002 (IV)SLP(C) No. 20982/2002 (XVII-B)C.A. No. 355-358/2003 (XII-A)SLP(C) No. 14085/2004 (IV-B)SLP(C) No. 11291/2004 (IV-B)SLP(C) No. 14127/2004 (IV-B)C.A. No. 812/2005 (IV)

FOR EARLY HEARING APPLICATION ON IA 92640/2025

IA No. 92640/2025 - EARLY HEARING APPLICATION

C.A. No. 7994/2004 (IV)
SLP(C) No. 4139/2005 (IV-B)
C.A. No. 1274/2007 (XII-B)
C.A. No. 1273/2007 (XII-B)
C.A. No. 1311-1312/2008 (III-A)
SLP(C) No. 16301/2007 (XI)
SLP(C) No. 3107/2008 (IV-C)
SLP(C) No. 4327/2008 (IV-C)
SLP(C) No. 4329/2008 (IV-C)
SLP(C) No. 4328/2008 (IV-C)
C.A. No. 296/2008 (III)
SLP(C) No. 16276/2008 (IV-B)
SLP(C) No. 17224/2008 (IX)
C.A. No. 5519/2012 (XI-B)
 IA No. 45076/2019 - STAY APPLICATION
C.A. No. 5681/2010 (III-A)
S.L.P.(C)...CC No. 7990/2009 (XI)
C.A. No. 7757/2011 (III-B)
C.A. No. 1131/2012 (III-A)
C.A. No. 8149-8151/2012 (XII-A)
C.A. No. 4505-4506/2013 (XII-B)
C.A. No. 4507-4508/2013 (XII-B)
SLP(C) No. 12679-12682/2014 (XII)
SLP(C) No. 1857/2016 (IX)
SLP(C) No. 14156/2021 (XI-A)

Date : 16-02-2026 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE JOYMALYA BAGCHI
 HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Appellant(s) Mr. Tushar Mehta, Solicitor General

Mr. Amrish Kumar, AOR
 Mr. Kanu Agrawal, Adv.
 Mr. Rajat Nair, Adv.
 Mr. Madhav Sinhal, Adv.
 Mrs. Sansriti Pathak, Adv.
 Mr. Gaurang Bhushan, Adv.
 Mr. Aaditya Dixit, Adv.

Mr. Shekhar Naphade, Sr. Adv.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Aaditya Aniruddha Pande, AOR
 Mr. Shrirang B. Varma, Adv.
 Mr. Bharat Bagla, Adv.
 Mr. Sourav Singh, Adv.
 Mr. Aditya Krishna, Adv.
 Mr. Adarsh Dubey, Adv.
 Ms. Chitransha Singh Sikarwar, Adv.

Mr. Senthil Jagadeesan, Sr. Adv.

Ms. Mrinal Kanwar, AOR
Mr. Punit Agarwal, Adv.
Mr. Vaibhav Rajsingh Rathore, Adv.
Mr. Dinesh Kumar Chouhan, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Sudeep Kumar, AOR
Mr. Abhishek Saket, Adv.
Ms. Manisha, Adv.
Ms. Rupali, Adv.
Ms. Purnima Singh, Adv.
Ms. Arushi Singj, Adv.
Mr. Satwik Misra, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ruchir Ranjan Rai, Adv.
Mr. Kamendra Mishra, AOR

Mr. Bharat Sangal, Sr. Adv.
Mr. Hemant Kumar Tripathi, Adv.
Ms. Shalini, Adv.
Mr. Nagarkatti Kartik Uday, AOR

Mr. Amit Sharma, AAG
Mr. Harmeet Singh Ruprah, AOR
Mr. Shashank Shekhar, Adv.

Ms. Hemantika Wahi, AOR

Mr. Pradeep Misra, AOR

Mr. V. N. Raghupathy, AOR

Mr. Saket Sikri, Adv.
Mr. Ajay Pal Singh, Adv.
Mr. Jasbir Bidhuri, Adv.
Mr. Arun Sanwal, Adv.
Ms. Madhu Sikri, AOR

Ms. Nidhi, AOR

Mr. Krishan Kumar, AOR

Mr. D.Kumanan, AOR

Mr. Arvind Kumar Sharma, AOR

Mr. Kamal Mohan Gupta, AOR

Ms. Swati Ghildiyal, AOR

Mr. Sarad Kumar Singhania, AOR

Mr. R. Chandrachud, AOR

Mr. Anirudh Sanganeria, AOR

Mr. Samar Vijay Singh, AOR

Ms. Sabarni Som, Adv.

Mr. Vikramaditya Chauhan, Adv.

Mr. Keshav Mittal, Adv.

Mr. Pushkar Sharma, Adv.

Mr. Aman Dev Sharma, Adv.

Mr. Gaj Singh, Adv.

Mr. K. L. Janjani, AOR

Mrs. Rachna Gupta, AOR

Mr. Siddhant Sharma, AOR

Mr. Vikram Choudhary, Adv.

Mr. D.L. Chidananda, AOR

Mr. Mukesh Kumar Maroria, AOR

Dr. N. Visakamurthy, AOR

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ruchir Ranjan Rai, Adv.
Mr. Kamendra Mishra, AOR

Dr. K.S. Chauhan, Sr. Adv.
Mr. P.S. Teji, Sr. Adv.
Mr. Ajit Kumar Ekka, AOR
Mr. Abhishek Chauhan, Adv.
Mr. R.S.M. Kalky, Adv.
Mr. S.P. Singh, Adv.
Mr. Ravi Shankar Singh, Adv.

Mr. Ashok Kumar Sharma, Sr. Adv.
Mr. Sounak S Das, Adv.
Mr. Kshitij Mudgal, Adv.
Mr. Sanjeev Bhatnagar, Adv.
Mr. Amit Jay Singh, Adv.
Ms. Megha Gaur, Adv.
Mr. Ansh Mittal, Adv.
Mr. Vibhav Mishra, Adv.
Mr. Parmanand Gaur, AOR

Mr. Aniruddha Joshi, Sr. Adv.

Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Sharian Mukherji, Adv.
Mr. Anoop Raj, Adv.
Mr. Shailendra Mishra, Adv.

Mr. K. Rajeev, AOR
Ms. Shinoj K.Narayanan, Adv.
Ms. Niveditha R Menon, Adv.
Mr. Aditya Verma, Adv.
Mr. Tarun Kumar, Adv.

Mr. K. L. Janjani, AOR

Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Krishna Prakash Dubey, Adv.
Mr. G.P. Mahto, Adv.
Mr. Yash Pal Dhingra, AOR

Ms. Madhu Sikri, AOR

Mr. R.C. Kaushik, AOR

Mr. S.K. Verma, AOR

Mr. E.C. Vidya Sagar, AOR

Ms. Nandani Gupta, Adv.
Mr. Krishna Kumar, Adv.
Dr. Mrs. Vipin Gupta, AOR

Ms. Jyoti Mendiratta, AOR

Mr. V.N. Raghupathy, AOR

Mr. Subhash Sharma, AOR

Mrs. K. Sarada Devi, AOR

Mr. S. Ravi Shankar, AOR

Mr. Vidya Dhar Gaur, AOR

M/S. Lawyer S Knit & Co, AOR

Mr. D. Mahesh Babu, AOR

Mr. Kedar Nath Tripathy, AOR

Mr. Jawar Raja, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR

Ms. Aditi Saraswat, Adv.
Mr. Nitai Hinduja, Adv.
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Sayid Marzook Bafaki, AOR

Mr. Krishan Kumar, AOR
Mr. Nitin Pal, Adv.
Mr. Jayaraman, Adv.

Mr. Amrendra Kumar Mehta, AOR
Mr. Sahil A Garg Narwana, Adv.
Ms. Pallavi Daem, Adv.
Ms. Gunjan Kumari, Adv.

Mr. Pravartak Suhas Pathak, AOR
Mr. Ritu Raj, Adv.

Ms. Nidhi, AOR

Mr. Sandeep Gupta, AOR
Mrs. Kanchan Gupta, Adv.
Mr. Robin Bhardwaj, Adv.

Mr. Sushil Kumar Singh, AOR

Mr. Naresh Kumar, AOR

Mr. D.Kumanan, AOR

Mr. P. Venkat Reddy, Adv.
Mr. Prashant Kumar Tyagi, Adv.
Mr. P. Srinivas Reddy, Adv.
For M/s Venkat Palwai Law Associates, AOR

Mr. Anurag Tomar, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. N. Sai Vinod, AOR
Ms. Kanu Garg, Adv.

M/S. VKC Law Offices, AOR
Mr. Varun K Chopra, Adv.
Mr. Dipu Kumar Jha, Adv.
Mr. Rahul Tomar, Adv.

Mr. Vivek Sharma, AOR
Dr. Vijay Kumar Sharma, Adv.

Mr. Anand Varma, AOR

Ms. Apoorva Pandey, Adv.

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

1. The instant appeals have been referred to a Nine-Judge Bench to consider the correctness of the judgment rendered by a Seven-Judge Bench in Bangalore Water Supply and Sewerage Board vs. A. Rajappa, (1978) 2 SCC 213 and concomitantly to also re-consider the interpretation of the expression "industry" as defined in Section 2(j) of the Industrial Disputes Act, 1947 (for short, 'the ID Act'). A Nine-Judge Bench, to be constituted by Hon'ble the Chief Justice of India separately, through an administrative order, in our considered opinion, will have to adjudicate the following broad issues:

(i) Whether the test laid down in paragraphs 140 to 144 in the opinion rendered by Hon'ble Mr. Justice V.R. Krishna Iyer in Bangalore Water Supply and Sewerage Board's case (supra) to determine if an undertaking or enterprise falls within the definition of "industry" lays down correct law? And whether the Industrial Disputes (Amendment) Act, 1982 (which seemingly did not come into force) and the Industrial Relations Code, 2020 (with effect from 21.11.2025) have any legal impact on the interpretation of the expression "industry" as contained in the principal Act?

(ii) Whether social welfare activities and schemes or other enterprises undertaken by the Government Departments or their instrumentalities can be construed to be "industrial activities" for the purpose of Section 2(j) of the ID Act?

(iii) What State activities will be covered by the expression "sovereign function", and whether such activities will fall outside the purview of Section 2(j) of the ID Act?

(iv) Any other issue(s) that may arise during the

course of hearing before the Nine-Judge Bench.

2. Keeping in mind the order dated 12.10.2023, whereby notice was issued to the Union of India as a newly impleaded respondent along with a direction to the parties to put together a common compilation of submissions, pleadings, documents and precedents by 20.11.2023, we are of the considered view that a substantial part of the case management required for final hearing of these appeals already stands completed.

3. That being so, and in the light of the questions formulated above, we grant further opportunity to the parties to update their written submissions or submit fresh consolidated written submissions on or before 28.02.2026. In this regard, the Nodal Counsel, Ms. Arushi Singh and Mr. Satwik Mishra, already appointed by this Court vide order dated 12.10.2023, shall provide their assistance and facilitate submissions before the Bench by putting together a fresh common compilation of submissions, pleadings, documents and precedents.

4. The Nine-Judge Bench will commence hearing on 17.03.2026 at 10.30 A.M., and the same shall be concluded on 18.03.2026.

5. The appellant(s) will be granted, tentatively, four hours of actual Court time to complete their oral submissions. The contesting respondents shall be granted, tentatively, three hours time to complete their oral submissions. We will also consider providing one additional hour to the appellant(s) for their rejoinder submissions.

6. The Nodal Counsels, in consultation with the arguing Senior Counsels/other counsels, shall prepare an internal arrangement amongst the arguing counsels with an endeavour to ensure that the arguments are completed within the stipulated timeline.

7. The parties shall follow the Circular No.F.No.9/Judl./2024, dated 03.04.2024, issued by the Registry while making compilation of the volumes, and other miscellaneous directions.

8. Contempt Petition (C) No.118/2024 in C.A. No.4569/2002 is ordered to be de-tagged from this batch of matters.

9. All interlocutory applications seeking early hearing are, accordingly, disposed of.

10. All interlocutory applications seeking intervention/impleadment are also disposed of with liberty to the applicants to intervene and assist the Bench. Ordered accordingly.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR