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IN THE HON'BLE SUPREME COURT OF INDIA
EXTRAORDINARY WRIT JURISDICTION

WRIT PETITION (CIVIL) NO.______OF2020
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

IN THE MATTER OF:

...Petitioner

VERSUS

1. **UNION OF INDIA**
   Cabinet Secretariat, Rashtrapati Bhawan
   New Delhi–110004

...RespondentNo.1

2. **MINISTRY OF HOME AFFAIRS**
   Through Home Secretary
   North Block
   New Delhi – 110001

...Respondent No.2

3. **GOVERNMENT OF MAHARASHTRA**
   Mantralaya, Madam Cama Road,
   Hutatma Rajguru Square,
   Nariman Point, Mumbai – 400032

...Respondent No.3

A WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER

APPROPRIATE WRIT FOR SETTING ASIDE OR QUASHING OF GOVERNMENT ORDER DATED MARCH 29, 2020, ONLY TO LIMITED EXTENT OF CLAUSE III, ISSUED BY MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA AND SUBSEQUENT ORDER OF GOVERNMENT OF MAHARASHTRA DATED MARCH 31, 2020, ONLY TO THE EXTENT OF PAYMENT FULL SALARY TO EMPLOYEES WORKMEN WHO ARE UNABLE TO WORK IN INDUSTRIES/ ESTABLISHMENTS INOPERATIVE DUE TO LOCKDOWN

TO,

**THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
SUPREME COURT OF INDIA**

**THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED**

<u>MOST RESPECTFULLY SHOWETH:</u>

1. That the Petitioner is filing the present writ petition under Article 32 of the Constitution of India seeking an appropriate writ for setting aside or quashing of Government Order dated March 29, 2020, only to limited extent of clause iii, issued by Ministry of Home Affairs, Government of India and consequently, setting aside or quashing of the order of the Government of Maharashtra dated March 31, 2020,

only to the limited extent of compelling the Petitioner to pay full salary to all its staff, workers, contract workers, casual workers during the period of lockdown, when its factories are not operational.

2.

3.

4. That the Respondent no. 1 is Union of India and is arrayed as a formal party. Respondent no. 2 is the Ministry of Home Affairs, Government of India, which issued the Government Order dated March 29, 2020, clause iii of which, is challenged in the present Petition. Respondent No.3 is the Government of Maharashtra, which issued the Order dated March 31, 2020, portion of which has been challenged in the present Petition.

1. FACTUAL BACKGROUND:

A. That the first Case of novel coronavirus was detected in Wuhan, China in late December, 2019. On December 31, 2019, China reported pneumonia of unknown cause detected in city of Wuhan to country office of World Health Organization (WHO). On January 22, 2020, WHO issued a statement that there was evidence of human to human transmission of novel coronavirus in Wuhan. This outbreak was declared as a Public Health Emergency of International Concern (PHEIC) concern on January 30, 2020. On February 11, 2020, WHO announced a name for new coronavirus disease as COVID-19. Due to alarming level of spread and severity and inactions by most countries, WHO declared COVID-19 as 'pandemic'. As per the data available on the official website of WHO, as on April 11, 2020, total number of confirmed cases of COVID-19 across the world are 16,10,909, with 99,690 as total number of deaths. In India, the total number of confirmed cases are 7,447 and 239 deaths.

B. That in India, first case of coronavirus was reported on January 31, 2020 in Kerala of a student who had returned from China. Thereafter, till March 4, 2020, there were only 3 confirmed cases of COVID- 19. On March 5, 2020, the total number of confirmed cases in India reached to 29 and further, on March 15, 2020, the number of confirmed cases were more than 100. Most of the persons affected with COVID-19 had travel history to the affected countries. Since the major rise in number of confirmed cases in India was due to travel history of persons affected to the affected countries, by mid of March, 2020, the Government of India suspended issuance of visas to Overseas Citizen of India.

C. That due to rampant rise in number of confirmed cases of COVID-19, many State Governments invoked the provisions of Epidemic Diseases Act, 1897. Most of the State Governments also announced closure of schools and colleges till March 31, 2020. On March 12, 2020, the Hon'ble Chief Minister of Delhi Mr. Arvind Kejriwal announced that all schools, colleges and cinema halls in New Delhi would be closed till the end of March and all public places disinfected as a precautionary measure. Chief Minister of Karnataka Mr. B. S. Yediyurappa also announced closure of all educational institutions, malls, cinema halls and pubs for a week across the state. Government of Odisha, declaring the outbreak a "disaster", announced closure of educational institutions and cinema halls till March 31, 2020, as well as prohibition on non-essential official gatherings. Government of Maharashtra declared the outbreak to be an epidemic in the cities of Mumbai, Navi Mumbai, Nagpur, Pune and Pimpri Chinchwad and announced that all malls, cinema halls, swimming pools and gyms in these cities will remain shut till March 31,2020. Brihanmumbai Municipal Corporation ordered private firms in Mumbai to function "*only at 50% of their staff capacity or face action under section 188 of the IPC*" and government offices were closed for seven days. Each State was doing its part to halt the outbreak of COVID-19.

D. That on March 14, 2020, the Disaster Management Division of Ministry of Home Affairs, Government of India, decided to treat COVID-19 as a 'notified disaster' for purpose of providing assistance from the State Disaster Response Fund. A copy of letter dated March 14, 2020 issued by Disaster Management Division of Ministry of Home Affairs, Government of India is annexed and marked as **Annexure P-1.**(Page No.27)

E. That on March 16, 2020, Ministry of Health & Family Welfare, Government of India, issued advisory on social distancing measure in view of spread of COVID-19, urging to all States/ Union Territory Governments to take social distancing measures as a preventive strategy for implementation till March 31, 2020. A copy of the advisory issued by Ministry of Health & Family Welfare, Government of India is annexed and marked as **Annexure P-2.**(Page No.28-29)

F. That on March 19, 2020, Hon'ble Prime Minister Mr. Narendra Modi while his address to the nation, asked all citizens to observe 'Janata Curfew' (people's curfew) on March 22, 2020 from 7 am to 9 pm. During this curfew, he requested the entire country to stay at home, except those involved in supply of essential services. He announced the formation of a COVID-19 Economic Response Task Force.

During this address, he urged businesses and high income segments of society to take care of the economic needs of all those who provide them services and appealed to families to not cut salary of domestic help during the period of 21 days lockdown.

G. That on March 20, 2020, Mr. Heeralal Samariya, Secretary, Ministry of Labour and Employment, Government of India, addressed a letter bearing reference number D.O.No.M-11011/08/2020-Media, to Mr. Sailesh, Secretary, Department of Public Enterprises and also to Chief Secretaries of all States and Union Territories, to issue necessary advisory to employers/owners of all establishments not to terminate/reduce wages of employees, particularly casual or contractual workers and that leave during this period must be deemed to be on duty, without any deduction in wages. A copy of the said letter dated March 20, 2020 is annexed hereto and marked as **Annexure P-3.**(Page No. 36)

H. That on March 20, 2020, Ms. Kalpana Rajsinghot, Joint Secretary, Ministry of Labour and Employment, Government of India, issued letter to all employers' associations to circulate advisory to all employers/ owners of all establishments that employers of public / private establishments not to terminate / reduce wages of employees, particularly casual or contractual workers and it was also advised that leave during this period must be deemed to be on duty, without any deduction in wages. A copy of the said letter dated March 20, 2020 is annexed hereto and marked as **Annexure P-4.**(Page No.37)

I. That by Office Memorandum dated March 23, 2020 issued by Department of Expenditure, Ministry of Finance, Government of India it was ordered that wherever any contractual, casual and outsourced staff of Ministries/ Departments and other organisations of Government of India is required to stay at home due to lockdown period, shall be treated as on duty and necessary wages to be paid to any such employee. This was to be applicable till April 30, 2020. A copy of Office Memorandum on dated March 23, 2020 is marked as **Annexure P-5.**(Page No. 32)

J. That Mr. Heeralal Samariya, Secretary to Government of India, Ministry of Labour & Employment by his letter dated March 23, 2020 addressed to Mr. Durga Mishra, Secretary, Ministry of Housing and Urban Affairs, issued a direction that an advisory shall be issued to all employers/owners of public/private establishments to extend their coordination by not terminating employees, particularly casual or contractual, from their jobs or reduce their wages. Further, that if employees are on leave due to COVID-19, such employees shall deemed to be on duty. A copy of letter dated March 23, 2020addressed to Mr. Durga Mishra, Secretary, Ministry of Housing and Urban Affairs by Mr. Heeralal Samariya, Secretary to Government of India, Ministry of Labour & Employment is annexed and marked as **Annexure P-6.**(Page No. 33)

K. That on March 24, 2020, Hon'ble Prime Minister while addressing the country announced a nationwide lockdown from midnight of that day, i.e. from March 25, 2020, for a period of 21 days, i.e. till April 14, 2020. Subsequent to the lockdown announced by Hon'ble Prime

Minister of India, Ministry of Home Affairs, Government of India, issued a Government Order dated March 24, 2020 by invoking the provisions of section 10(2)(I) of Disaster Management Act, 2005 issued various guidelines to Departments of Government of India, State and Union Territory Governments and authorities for strict implementation of 21 days lockdown commencing from March 25, 2020. These guidelines mentioned that commercial and private establishments, industrial establishment, transport services, hospitality services, educational, training, research, coaching institutions shall remain closed during the lockdown, with certain exceptions. A copy of the Government Order dated March 24, 2020 along with guidelines is annexed as **Annexure P-7.**(Page No. 34-40)

L. That by a Government Order dated March 29, 2020 being N0.40-3/2020-DM-I(A) ('hereinafter referred to as ' the said Government Order') issued by Ministry of Home Affairs, Government of India, under section 10(2)(I) of the Disaster Management Act, 2005 ('the Act'), Government of India directed various Departments of Government of India, State/Union Territory Governments and authorities to implement lockdown measures for containment of spread of COVID-19 in the Country. By the said Government Order, the Chairperson of National Executive Committee directed the State/Union Territory Governments and State/Union Territory Authorities to take necessary action against those who are violating the measures mentioned in the said Government Order. A copy of the said Government Order is annexed and marked as **Annexure P-8.**(Page No. 41 to 42)

M. That the Central Labour Commissioner, Ministry of Labour and Employment issued an advisory dated March 30, 2020 to all the Regional heads that all employees/workers may be deemed to be on duty in case place of employment is made non-operational due to outbreak of COVID-19. It was also advised to all private and public enterprises not to terminate their employees including the casual and Employees of contractors from the jobs and not to reduce or deduct their wages for the period if employees take quarantine Leave. A copy of advisory on dated March 30, 2020 is marked as **Annexure P-9.**(Page 43 to 48)

N. That the Government of Maharashtra, Respondent No.3, herein in pursuance of the order of the Central Government dated March 29, 2020, issued an order dated 31/03/2020 u/s 24 of the Disaster Management Act, 2005, directing all private establishments not to terminate any workman including temporary/contract workmen and pay wages for the period of lock-down even if any workman has not performed / attended work. Government Order also stated that violation of the Order would attract prosecution under the relevant law. A copy of Order of the Government of Maharashtra dated March 31, 2020 is annexed hereto and marked as **Annexure P-10.**(Page No. 49 to 50)

O. That while the Government of India and Maharashtra Government had directed all public/private establishments to pay salaries to all its employees during the period of lockdown, the Government of Maharashtra issued a Government, Resolution dated April 1, 2020, wherein it has been stated that the salary of employees of the State

Government for March, which is disbursed in April, will be paid in "two instalments". In the first instalment; all elected representatives, including the chief minister, ministers and MLAs, will be paid 40% of their salaries; employees, belonging to both A and B grades, will get 50% of their salaries; while C-grade staff will take 75% of their salaries; there will be no cut in the salaries of D-grade employees. The balance will be paid later, as per the financial situation of the State. The Government Resolution states that, because of the health and financial disaster caused by COVID-19, the State had to cut cost and postpone certain expenses. A copy of the said Government Resolution dated April 1, 2020 is annexed hereto and marked as **Annexure P-11.**(Page No. 51 to 53)

P. That the Petitioner has its factories located at Village Yavluj, and MIDC Kagal, Village Talandage, Kolhapur. Workmen on the rolls of the Petitioner at these factories are unionised and have executed long term wage settlement u/s 2(p) of the Industrial Disputes Act, 1947 and are drawing appreciably higher salaries compared to the rates of minimum wages. The said settlement was executed considering the commitment given by the workmen to increase productivity. Average expenditure on wages paid to the workmen is Rs.28,000/-. Approximate losses that the Petitioner is bearing due of lock-down is around Rs.1.50 Crores.

Q. That the Petitioner is challenging the constitutional validity of Government Order dated March 29, 2020, being N0.40-3/2020-DM-I(A) issued by Ministry of Home Affairs, Government of India, under section 10(2)(I) of the Disaster Management Act, 2005 only to limited extent of additional measure in clause iii, being *"All the employers, be it in the industry or in the shops and commercial establishments, shall make payment of wages of their workers, at their work places, on the due date, without any deduction, for the period their establishments are under closure during lockdown period."* and subsequent Government Order dated March 31, 2020 issued by Government of Maharashtra, only to the limited extent of compelling the Petitioner to pay full salary to all its staff, workers, contract workers, casual workers during the period of lockdown, when its factories are not operational.

2. QUESTION OF LAW

A. Whether the Government of India and Government of Maharashtra is empowered to issue direction to private establishment, like the Petitioner, to pay 100% wages under Disaster Management Act, 2005?

B. Whether the respondent's directions to compulsorily pay wages to all workers, without any deduction, for the entire period when his establishment is closed during lockdown, is factually feasible for such an employer?

C. Whether the Govt. was right in issuing vague directions without specifying as to its applicability to employers of migrating workers, or is a blanket direction to all employers?

D. Whether the Govt. directions are reasonable as they were issued without intelligent care and deliberation and without considering the financial capacity of the employer to bear the burden of payment of salary to its workers without their being any production?

E. Whether the Govt. is not bound by the principles propounded by this hon'ble Court in the case of *Supdt. of Taxes v. Onkarmal Nathmal Trust*, (1976) 1 SCC 766 has held that:

"62. The law in its most positive and peremptory injunctions, is understood to disclaim, as it does in its general aphorisms, all intention of compelling performance of that which is impossible.
"... <u>where the law creates a duty or charge, and the party is disabled to, perform it, without any default in him, and has no remedy over, there the law will in general excuse him: and though impossibility of performance is in general no excuse for not performing an obligation which a party has expressly undertaken by contract, yet when the obligation is one implied by law, impossibility of performance is a good excuse</u>. [See Broom's Legal Maxims, 10th Edn. (1939) pp. 162-63]. The same principle has been stated in Craies on Statute Law (6th Edn., p. 268).
Under certain circumstances compliance with the provisions of statutes which prescribe how something is to be done will be excused. Thus, in accordance with the maxim of law, lex non cogit ad impossibilia, if it appears that the performance of the formalities prescribed by a statute has been rendered impossible by circumstances over which the persons interested had no control, like the act of God or the King's enemies, these circumstances will be taken as a valid excuse".

3. <u>GROUNDS</u>

That the Government Order dated March 29, 2020 and Maharashtra Government Order dated March 31, 2020 (hereinafter collectively referred to as 'the said Government Orders') are challenged under Article 14 and 19 of the Constitution of India for being unconstitutional, for the reasons mentioned in the grounds below:

i. BECAUSE the said Government Orders passed by the Respondents are illegal and unconstitutional and violates Article 14 and 19 of Constitution of India.

ii. BECAUSE the said Government Orders favours class legislation under Article 14 of Constitution of India. It is a well settled law that to satisfy the constitutional test of permissibility, two conditions must be satisfied, namely (i) that the classification is founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and (ii) that such differentia has a rational relation to the object sought to be achieved. The said Government Orders are purely based on economic status of the two classes, therefore discriminatory and suffers from arbitrariness. Hence, it does not clear the test of constitutionality.

iii. BECAUSE nothing in the Act provides for continued payment of wages by the employers to its workers/employees during any disaster. National Disaster Management Authority and National Executive Committee constituted under the Act have no power under section 7 and 10, respectively, to direct the employers to make payment to their workers, without any deduction, during the period of lockdown.

iv. BECAUSE the said Government Orders are passed beyond the legislative competence of the Respondents and therefore, ultra vires the Disaster Management Act, 2005. By passing the said Government Orders, the Respondents assumed power to pass such a direction under the Act and therefore, it is unethical, improper and illegitimate.

v. BECAUSE in order to provide financial assistance to workers during COVID-19 pandemic, intent with which the said Government Orders were issued, Government of India ought to have considered that Provident Fund Department has bounteous accumulation of over Rs. 351 Crores as unclaimed Provident Fund Deposits' and this amount can be utilised to financial support the workers at the times of these unprecedented crisis. Since this amount has been accumulated from the contribution of the Industry and its workforce, it is appropriate to utilize a part of this amount to pay wages to the workers and ensure survival of both employer and employees.

vi. BECAUSE the possible interpretation of the said Government Orders, is to provide financial assistance to weaker section or worker group of the society, but the applicability of the said Government Orders on specific class of employees is left vague. This will lead to misuse of the said Government Orders by various segments of workforce.

vii. BECAUSE when the Government of Maharashtra by notification dated April 1, 2020 has clarified that the salaries of all the government employees in State of Maharashtra shall be paid in two instalments, the Government of Maharashtra should not have directed all the private establishments to pay 100% ways when the private establishments are under complete lockdown.

viii. BECAUSE the said Government Orders are extremely vague. The intent of the issuance of the said Government Orders appear to be the protection the rights of weaker section of the society but scope of such directions are not confined to the definition of workman as defined u/s 2(s) of the Industrial Disputes Act, 1947.

ix. BECAUSE the said Government Orders are unworkable and unreasonable and, therefore, suffered from inherent infirmity and liable to be struck down.

x. BECAUSE the said Government Orders are arbitrary or excessively invades the right of employer. It fails to strike a proper balance between the freedom guaranteed in Article 19(1)(g) and the social control permitted by clause 19 (6) of Constitution of India.

xi. BECAUSE it can never be said that the intent of the said clause that all employees, irrespective of their income/salary needs to be paid 100% wages, as the said directions provide no reasonable classification on the basis of either salary or class of employee. This will lead to gross losses to the private organisations, which are paying their employees huge salary packages. This will violate fundamental right of employers defined under Article 19 (1)(g) of Constitution of India, as it will have impact on their business.

xii. BECAUSE the said Government Orders are unfair and unreasonable to the employers. Both employer and employee have fundamental right to carry on any occupation, trade or business, as enshrined under Article 19(1)(g) of the Constitution of India, but the said

Government Orders have taken into consideration only the employee class and have totally ignored the rights of employer. COVID-19 is adversely impacting both employer and employee class and therefore, Government of India ought to have taken a balanced view so that both these classes could overcome this unprecedented situation. The said Government Orders are manifestly arbitrary and against Article 14 of the Constitution of India.

xiii. BECAUSE the said Government Orders are in complete violation of fundamental rights contained in Article 19 of the Constitution of India and prima facie it is evident that the Respondents have failed to justify that the restrictions imposed on the employers by the said Government Orders.

xiv. BECAUSE the said Government Orders are discriminatory and passed by the Respondents without taking due care and deliberation and its financial implications on the employers during this COVID-19 pandemic.

xv. BECAUSE the said Government Orders does not consider that when the entire economy is under lockdown, it is impossible for the employers, more particularly, when revenue of businesses are zero, to keep making payments to its workers, when there is not definite period after which the lockdown appears to end.

xvi. BECAUSE till now there is no order or direction passed by the Respondents to landlords in terms of restrictions on wavier of rentals of the leasehold premises, wherein rules have been passed for the employer to reinforce payment of salaries.

xvii. BECAUSE the while passing the said Government Orders, the Respondents have not considered that due to direction of payment of full wages to all workers, it is very much possible that workers are not working because of the expectation that full wages will be paid to them even without working, during the period of lockdown.

xviii. BECAUSE the workers absenteeism have led to zero or very minimal production, and in such scenarios if the employers are forced to make payment to the workers for the entire period of lockdown, it is possible that it may lead to closure of many micro, small and medium scale industries. This will lead to permanent unemployment of many people and directly affect the economy.

xix. BECAUSE the said Government Orders are in violation of the provisions of Industrial Disputes Act, 1947, more particularly, section 25C and 25M, which deals with payment of 50% of wages when a worker is laid off and exception to lay-off workers during natural calamity.

xx. BECAUSE the Ministry of Corporate Affairs on its website, has clarified that payment of salary/wages to employees/workers during the lockdown period is moral obligation of the employers, as they have no alternative source of employment during the period of lockdown and therefore, not liable to be treated as Corporate Social

Responsibility. Hence, the direction of Central and State Governments to the employers to pay 100% wages during lockdown, being moral obligation, is not justified.

xxi. BECAUSE the Respondents have not offered any clarification of the impact of the said Government Orders on contribution of employers towards Employees State Insurance Corporation (ESIC) and Provident Fund. ESIC has merely deferred ESI contribution for payment of wages for month of March and April, by an additional 45 days. However, still employer will have to contribute for ESIC after lapse of 45 days. In respect of Provident Fund contribution, it is notified by Central Government that for companies, having less that 100 workers and where 90% employees are earning less than Rs.15,000, Central Government shall contribute 24% both for employer and employee towards provident fund for wage month of March, April and May. However, an employer such as Petitioner has not been provided any benefit under the said scheme and has to bear the cost of not only the full salary of every employee but also the employer PF contribution in respect of these employees thereby creating an additional burden on the petitioner. In case of delay in payment of contribution to ESI and EPF, Petitioner will have to pay interest at rate of 12% and damages at rate of upto 25% and may also have to face prosecution. It is to be also taken into account that the Petitioner will be compelled to deduct employees contribution from salaries of employees and deposit it with ESIC and EPF, resulting in lesser take off of salary to an employee.

xxii. BECAUSE the Government Orders suffers from the vice of arbitrariness, irrationality and hostile discrimination.

4. The Petitioner craves leave to add, amend or modify any of the aforesaid grounds.

5. The Petitioner has not filed any other petition or proceedings before any court of law including before this Hon'ble Court challenging the impugned Act that are a subject matter of the present writ petition.

PRAYERS

In the facts and circumstances of the case, as mentioned above, it is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:

a. Issue a Writ of Mandamus or any other appropriate writ, order or direction to set aside and quash clause iii of Government Order dated March 29, 2020 issued by Ministry of Home Affairs, Government of India for being unconstitutional and in violation of Article 14 and 19 of Constitution of India.

b. Issue a Writ of Mandamus or any other appropriate writ, order or direction to set aside and quash Government Order dated March 31, 2020 issued by Government of Maharashtra, only to the limited extent of compelling the Petitioner to pay full salary to all its staff, workers, contract workers, casual workers during the period of lockdown for being unconstitutional and in violation of Article 14 and 19 of Constitution of India.

c. During the pending and final disposal of the present Petition, Petitioner may be permitted to make payment of 50% the Petitioner may be permitted to pay wages @ 50% of basic pay plus DA to its workers/employees (without payment of PF and ESIC contribution as the same is not wages) and this will give more money in the hands of workmen.

d. Pass any order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL, AS IN THE DUTY BOUND, EVER PRAY.

DRAWN BY:
Mr. Amit Singh
Vetted by Mr. Abhya Nevagi,
Advocates

FILED BY:

(KRISHAN KUMAR)
ADVOCATE FOR PETITIONER

New Delhi
Drawn On: 14.4.2020
Filed on: 14.4.2020

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IN THE HON'BLE SUPREME COURT OF INDIA

EXTRAORDINARY WRIT JURISDICTION

WRIT PETITION (CIVIL) NO______OF2020
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

IN THE MATTER OF:

NAGREEKA EXPORTS LIMITED ...PETITIONER

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the Court/Tribunal whose order is challenged and the documents relied upon in those proceedings. No additional facts, documents or grounds have been taken or relied upon in the special leave petition. It is further certified that the copies of the documents/annexures attached to the Special Leave Petition are necessary to answer the questions of law raised in the petition for consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the petitioner(s)/person authorized by the petitioner(s) whose affidavit is filed in support of the Special Leave Petition.

(KRISHAN KUMAR)
ADVOCATE FOR THE PETITIONER

NEW DELHI
FILED ON:

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

IN THE MATTER OF:

NAGREEKA EXPORTS LIMITED ...Petitioner

Vs

UNION OF INDIA & ORS ...Respondents

AFFIDAVIT

1. That I am President (Operations) of the Petitioner in the present Writ Petition and as such I am fully authorized to swear and affirm this affidavit.

2. That, I have read over and understood the contents of Synopsis and List of Dates , Paragraphs 1 to 7 and Grounds (i) to (xxii) of the accompanying Writ Petition state that the facts stated therein are true to my knowledge and based on the records.

NOTARY
Mrs. S. S. KARNAWAT (SHAH) KOLHAPUR. REGD.NO. 909
CENTRAL GOVT.

3. That the Petitioner has not filed any other petition before this Hon'ble Court seeking the reliefs sought in present Petition.

4. The annexures annexed to the Writ Petition are downloaded from the government websites.

Nagreeka Exports Limited • Kolhapur

President (Operations)

DEPONENT

VERIFICATION:

I, the deponent above named do hereby verify that the contents of paras 1 to 4 of my above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Kolhapur on 14.04., 2020.

Nagreeka Exports Limited • Kolhapur

DEPONENT

President (Operations)

I know the Deponent
Adv.
[Adv. S.A. SHAH] 14-4-2020