

Miscellaneous Application No(s). 1058/2020 in W.P. (Civil) No.640 of 2017

(Arising out of impugned final judgment and order dated 13-11-2019 in W.P.(C) No. No. 640/2017 passed by the Supreme Court Of India)

CENTRAL ADMINISTRATIVE TRIBUNAL (PRINCIPAL BENCH)
BAR ASSOCIATION **Petitioner(s)**

VERSUS

UNION OF INDIA & ORS. Respondent (s)

(IA No. 49817/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 49818/2020 - EXEMPTION FROM FILING AFFIDAVIT)

WITH

MA 1152/2020 in W.P.(C) No. 279/2017 (PIL-W)
(IA No. 66298/2020 - CLARIFICATION/DIRECTION
IA No. 56842/2020 - CLARIFICATION/DIRECTION
IA No. 69398/2020 - CLARIFICATION/DIRECTION
IA No. 66299/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 56844/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 69399/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 69397/2020 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 867/2020 (X)
(IA No. 78076/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 78078/2020 - EXEMPTION FROM FILING AFFIDAVIT)

MA 1431/2020 in W.P.(C) No. 279/2017 (PIL-W)
(IA No. 76116/2020 - APPLICATION FOR PERMISSION
IA No. 76114/2020 - APPLICATION FOR PERMISSION
IA No. 76128/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 76121/2020 - GRANT OF INTERIM RELIEF
IA No. 76115/2020 - INTERVENTION/IMPLEADMENT
IA No. 84860/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 84855/2020 - SEEKING LEAVE TO FILE WRITTEN ARGUMENTS)

W.P.(C) No. 1431/2019 (PIL-W)
(I.A NO. 73597/2020 TO BE LISTED AGAINST THIS MATTER.
IA No. 73597/2020 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 07-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For the parties :

Mr.S.V.Raju,ASG
Mr.BalbirSingh,ASG
Mr. R Bala Sr. Adv.
Mr. Zoheb Hussain, Adv.
Ms. Shradha deshmukh, Adv.
Ms. Chinmay chandra, Adv.
Mr.Manan Popli,Adv.
Mr. B K Prasad AOR
Mr.Arvind KumarSharma,AoR

Mr. Mukul Rohatgi, Sr. Adv
Mr. Sidharth Luthra, Sr. Adv
Mr. Anupam Lal Das, Sr. Adv
Mr. Kunal Cheema, AOR
Mr. Sanjay Agarwal, Adv
Ms. Diksha Rai, Adv
Ms. Ankita Tiwari, Adv
Mr. Rupesh Kumar, Adv.
Mr. Rajeev Sharma, Adv.
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.

Mr. Guru Krishnakumar , Sr. Adv.
Mr. M.S. Bharat, Adv
Mr. Madhan Babu, Adv
Mr. A. Prasanna Venkat, Adv
Mr. Deepayan Mandal, AOR
Mr. Arindam Ghosh , Advocate
Mr. Alekshendra Sharma, Adv.

Mr.C.S. Vaidyanathan, Sr.Adv,
Mr. Sameer Abhyankar, AOR;
Mr. Amish Tandon, Adv;
Mr. Ayush Beotra, Adv.
Mr. Nalin Talwar, Adv.
Mr. Varun Tandon, Adv.

Mr. Arvind P Datar Sr.Adv.
Mr. Hemant Singh,Adv.
Ms. Mamta R. Jha,Adv.
Mr. Waseem Shuaib Ahmed,Adv.

Mr. Sambhav Jain, Adv.
Mr. Mohit D. Ram, AOR

Mr. Mohan Kumar, AOR
Mr. V. K. Verma, AOR

Mr. P. S. Narasimha, Sr. Adv.
Mr. J. Sai Deepak, Adv.
Mr. Guruswamy Nataraj, Adv.
Ms. Pooja Dhar, Adv.
Mr. Avinash K. Sharma, Adv.
Mr. Surya Prakash, Adv.
Ms. Sindoorra, Adv
For M/S KMNP LAW AOR

Mr. Kawaljit Singh Bhatia, AOR

UPON hearing the counsel the Court made the following

O R D E R

MA 1431/2020 in W.P.(C) No. 279/2017

The applicant was appointed as Judicial Member, National Company Law Appellate Tribunal ('NCLAT') on 11.09.2017 in accordance with the 2017 Rules. The term of his appointment was for three years which will expire on 10.09.2020. The 2017 Rules have been struck down by this court vide judgment in Rojer Mathew vs. South Indian Bank Ltd. & Ors. reported in 2019 (15) SCALE 615. The Rules made in 2020 are under challenge in this Court.

Mr. Mukul Rohatgi, learned senior counsel appearing for the applicant submits that according to the provisions of the Companies Act, the applicant is entitled to continue in service for five years or till he attains the age of 67 years. As the writ petitions

which have been filed challenging the 2020 Rules are listed for hearing on 15.09.2020, we are of the considered view that the term of the applicant shall extended by three months from 10.09.2020.

Ordered accordingly.

M.A. as well as I.As. stands disposed of.

M.A. No.1058/2020 in W.P.(C) No.640 of 2017

M.A. No. 1152/2020 in W.P.(C) No. 279/2017

W.P.(C) No. 867/2020

W.P.(C) No. 1431/2019

As prayed, list on 15.9.2020.

Learned counsel for the parties are permitted to file written note of submissions, in the meanwhile.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master