Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 9792 OF 2023

Kunal Kamra …Petitioner
Versus
Union of India …Respondent

Mr Darius Khambata, Senior Advocate, *with Arti Raghavan, Vrinda Bhandari, Gautam Bhatia, Gayatri Malhotra , Abhinav Sekhri & Tanmay Singi, i/b Meenaz Kakalia, for the Petitioner.*
Mr Anil Singh, ASG, *with Aditya Thakkar, Savita Ganoo, DP Singh, Smita Thakur & Pranav Thackur, i/b AA Ansari, for the Respondent.*

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 27th April 2023

PC:-

SHEPHALI SANJAY MORMARE

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Date: 2023.04.28 10:51:14 +0530

1. Mr Khambata seeks leave to include a short further amendment regarding the competence of the executive in framing the impugned rules. Since the Petition is not yet admitted, we grant leave. The amendment is to be carried out by Tuesday, 2nd May 2023. We are dispensing with the need for reverification. A copy of the amended Petition will be served on the learned ASG's office by 3rd May 2023.

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2. Mr Singh has instructions to state that the fact check unit contemplated by the impugned rule will not be notified until 5th July 2023. He, therefore, submits that the matter may be kept for directions on 6th June 2023 for fixing a date when the Petition can be disposed of finally at the stage of admission. While this submission is opposed by Mr Khambata who submits that the effect of the rules are nonetheless detrimental whether they are operative or not, we believe that this is not a reason to immediately go into the question of a stay or a suspension of the operation of the rule. As it stands, without a fact check unit being notified, the rule cannot operate. Second, it is abundantly clear now that even if the matter is heard for ad-interim relief, it will require a full hearing covering all the ground that is likely to be covered in a final disposal. We see no reason why the same material should be visited twice when the matter will be more efficiently disposed of finally at the stage of admission itself.

3. Accordingly, we accept Mr Singh's statement. At the joint request of both sides, we retain the matter as part heard, if required and list it for directions for fixing a date convenient to both sides for final disposal on 8th June 2023 first on the supplementary board.

4. So far as the union government has filed a limited Affidavit in Reply to oppose admission and ad-interim relief. Not only is a more complete Affidavit now necessary in view of the foregoing, but since there is a proposed amendment, the union will need to respond to the amended Petition as well. That Affidavit in Reply to the amended Petition is to be filed and served on or before 6th June

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2023. Mr Singh says that a compilation of the material proposed to be relied on will also be submitted by that date. In Court today we have indicated to both sides that they will need to address on certain further authorities. A compilation by the Petitioners of these authorities and a supplementary note of written submissions is also permitted.

5. Mr Sigh will also be at liberty to put in a note of written arguments if that is preferred, although we do not insist on it.

6. List the matter on 8th June 2023.

(Neela Gokhale, J) **(G. S. Patel, J)**

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