

ITEM NO.46

COURT NO.4

SECTION X

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

Writ Petition(s) (Civil) No(s). 793/2014

INDIAN HOTEL & RESTAURANT ASSOCIATION & ANR.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(with appln. (s) for directions and impleadment and intervention and stay and office report)

WITH

SLP(C) No. 13764/2012

Interim Relief and Office Report)

SLP(C) No. 8992/2013

Interim Relief and Office Report)

CONMT.PET.(C) No. 275/2014 In C.A. No. 2705/2006

(With appln.(s) for exemption from personal appearance and Office Report for Direction)

CONMT.PET.(C) No. 248/2014 In C.A. No. 2705/2006

(With appln.(s) for exemption from personal appearance and Office Report for Direction)

SLP(C) No. 15953/2012

(With appln.(s) for exemption from filing c/c of the impugned judgment and permission to file additional documents and Interim Relief and Office Report)

Date : 18/04/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Jayant Bhushan, Sr. Adv.
Mr. Prasenjit Keswani, Adv.
Mr. Satyajit Saha, Adv.
Mrs V. D. Khanna, AOR

Mr. Manoj K. Mishra, AOR
Mr. Sandeep Kumar Dwivedi, Adv.
Mr. Pradeep Kumar Dwivedi, Adv.
Ms. Meghna Kalra, Adv.

For Respondent(s) Mr. Sanjay Sen, Sr. Adv.
Mr. Sandeep Deshmukh, Adv.
Mr. Nar Hari Singh, AOR

Dr. Rajeev Dhawan, Sr. Adv.
Mr. Nikhil Nayyar, AOR

Ms. Veena K., Adv.
Mr. Dhananjay Baijal, Adv.
Mr.N. Sai Vino, Adv.

Ms. Pinky Anand, ASG
Ms. Saudamini S., Adv.
Mr. Prabal Bagchi, Adv.
Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Ravindra Keshavrao Adsure, AOR

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

I.A. for impleadment is allowed. Let the applicant be added as respondent No.6. Cause title be rectified accordingly.

Heard Mr. Jayant Bhushan, learned senior counsel for the petitioner, Ms. Pinky Anand, learned Additional Solicitor General for the State, Mr. Sanjiv Sen, learned senior counsel appearing for respondent no.5 and Dr. Rajiv Dhawan, learned senior counsel for the newly added respondent No.6.

This Court, on 02.03.2016, after hearing learned counsel for the parties, noting the conditions imposed by the State and referring to the decision in State of Maharashtra & Anr. vs. Indian Hotel and Restaurants Association 7 Ors. [(2013) 8 SCC 519], had directed as follows :

"Having heard learned counsel for the parties, Dr. Rajeev Dhawan, learned senior counsel, who sought permission to file an application for intervention and Mr. Sandeep Deshmukh, learned counsel for the 5th respondent, we are inclined to modify the said condition to the extent that CCTV cameras shall be fixed at the entrance of the premises in question but shall not be fixed in the restaurant or the permit area or the performance area.

As we have clarified the conditions, the modified conditions along with conditions on which there is no cavil shall be complied with within three days and the respondents shall issue the licences within ten days therefrom. We are sure, the authorities shall act in accordance

with the command of this Court and not venture to deviate."

Ms. Pinky Anand, learned Additional Solicitor General, appearing for the State of Maharashtra prays for a week's time so that the order can be complied with. It is urged by her that the applications are under process. An affidavit of compliance shall be filed by the Deputy Commissioner of Police, Headquarters-I, (Hotel Division) who shall also remain personally present on 25.04.2016.

Let the matter be listed on 25.04.2016.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master