

ITEM NO.39

COURT NO.6

SECTION XII-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

Petition(s) for Special Leave to Appeal (C) No.7551/2022

(Arising out of impugned final judgment and order dated 25-02-2022 in WA No.87/2022 passed by the High Court For The State of Telangana at Hyderabad)

P C FINANCIAL SERVICES PRIVATE LIMITED

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 13-05-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Arvind Nayar, Sr. Adv.  
Mr. Ajay Bhargava, Adv.  
Mrs. Vanita Bhargava, Adv.  
Mr. Atul Pandey, Adv.  
Mr. HIRAK Mukhopadhyay, Adv.  
Mr. Milind Jain, Adv.  
M/S. Khaitan & Co., AOR

For Respondent(s) Mr. Vikramjit Banerjee, ASG  
Ms. Vimla Sinha, Adv.  
Mr. Rupesh Kumar, Adv.  
Ms. Archana Pathak Dave, Adv.  
Mr. V. V. V. MBNS PattabhAi Ram, Adv.  
Mr. Shubhendu Anand, Adv.  
Mr. Sidhartha Sinha, Adv.  
Mr. Prashant Rawat, Adv.  
Ms. Janhvi Prakash, Adv.  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Tathagat, Adv.

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

Learned senior counsel for the petitioner states that despite the stay order granted on 29.4.2022 of the order of the Division Bench, the amounts have not been released in terms of the

order of the single judge.

On our query, learned ASG accepts this. Prima facie this is contempt of the orders of this Court. On our asking the query as to which of the Officer(s) to whom the contempt has to be issued, learned senior counsel states that the amount will be released within 3 days and that this Court may hold its order on issuance of notice of contempt. We take this stand of the learned ASG on record.

Insofar as the constitution of the Tribunal is concerned, the affidavit states that the Search-cum-Selection Committee was appointed in terms of Order dated 26.10.2001. The process thereafter is taking place.

It is pointed out to us that the Chairman demitted office on 21.9.2019 being a retired judge of the High Court and thereafter a Single Member Tribunal doing only interim proceeding work and he too demitted office sometime in March-April, 2021. Even the last Chairman was on extension.

We are of the view that the status report does not reflect a complete picture and we would like to know the details as to what steps were taken starting from at least six months prior to the Chairman demitting office on 21.9.2019 to fill up that post right upto the department order dated 26.10.2021 with supporting documents.

We defer consideration on the larger issue whether to pass an order that filing of appeal should amount to an automatic stay so as not to harass the litigants who have to run to the High Court only for interim relief in view of the absence of the Tribunal.

List on 19<sup>th</sup> July, 2022.

(RASHMI DHYANI)  
COURT MASTER

(POONAM VAID)  
COURT MASTER