

ITEM NO.301      COURT NO.11      SECTION PIL

(Part-heard)

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

W R I T   P E T I T I O N   ( C I V I L )   N O .   2 7 4   O F   2 0 0 9

ASSAM PUBLIC WORKS                      Petitioner(s)

V E R S U S

UNION OF INDIA & ORS                      Respondent(s)

(With appln(s) for directions, permission to file rejoinder affidavit,  
permission to file additional documents and office report)

W I T H

W.P(C) NO. 562 of 2012

(With appln(s) for intervention, stay and permission to file lengthy list  
of dates and office report)

Date:23/08/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE

HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Arvind Kumar Sharma,Adv.

(in WP 274/09)

(in WP 562/12) Mr. P.S. Narashima,Sr.Adv.

Mr. Manish Goswami,Adv.

For M/S. Map & Co.,Adv.

For Respondent(s) Mr. Jaideep Gupta,Sr.Adv.

For R-2 Ms. Krishna Sarma,Adv.

Mr. Avijit Roy,Adv.

Mr. Navnit Kumar,Adv.

For M/S. Corporate Law Group,Adv.

For Union of India Mr. Rakesh Khanna,ASG

(in WP(c) 274/09) Mr. Jitendra Mohapatra,Adv.

Mr. S. Nand Kumar,Adv.

For R-3 Mr. Vasav Anantharaman,Adv.

Ms. Meenakshi Arora,Adv.

I.A. No.6 in Mr. Fakhruddin,Sr.Adv.

WP(C) 274/09 & Mr. Gulfeshan Javed,Adv.

I.A. No.5 in Mr. Abdul Qadir,Adv.

WP(C) 562/12 Ms. Anjana Mathur Gupta,Adv.

Mr. Wahid Hussain,Adv.

Mr. Waseem Ahmad,Adv.

Ms. Neeru Sharma,Adv.

Mr. Raj Kishore Choudhary,Adv.

Mr. Mustafa Khaddam Hussain,Adv.

Mr. Azizur Rahman,Adv.

Mr. Mohd. Shariq,Adv.

Mr. Fuzail Ahmad Ayyubi,Adv.

In WP(C) 274/09 Mr. P.H. Parekh,Sr.Adv.

Mr. Syed Ali Ahmad,Adv.

Mr. Syed Tanweer Ahmad,Adv.

Mr. S.S. Bandyopadhyay,Adv.

Mr. Mohan Pandey,Adv.

For R-6 in Mr. Prateek Jalan,Adv.

WP(C) 274/09 Ms. Malvika Trivedi,Adv.

Mr. Anurag Misra,Adv.

Mr. T. Mahipal,Adv.

Mr. Syed Ali Ahmad,Adv.

Mr. Syed Tanveer Ahamd,Adv.

Mr. S.S. Bandhyopadhyay,Adv.

Mr. Mohd Shah,Adv.

Mr. Mohan Pandey,Adv.

State of Orissa Mr. Shibashish Misra,Adv.

(in WP(C) 274/09) Mr. Sovinay Dash,Adv.

Mr. Shreekant N. Terdal,Adv.

In I.A. No.5 in Mr. Syed Mehdi Imam,Adv.

WP(C) 274/09 Mr. Mohd. Parvez Dabas,Adv.

Mr. Milan Laskar,Adv.

UPON hearing counsel the Court made the following

#### O R D E R

I.A. Nos. 3, 4 & 5 in WP(C) No.562/2012 and I.A. No.6 in WP(C)  
No.274/2009:

Heard Mr. Fakhruddin, learned senior counsel appearing for the applicants, learned senior counsel for the original petitioners, learned Additional Solicitor General appearing for Union of India and learned senior counsel for State of Assam. All these I.As. are allowed.

2. Added parties may file their affidavits within four weeks

from today, and the Government of India and the State of Assam may file their response to the affidavits after the same are filed, within four weeks thereafter. We also record that the averments made in the applications (above mentioned I.As.) are not accepted by the Government of India as well as the State of Assam.

W.P.(C) No. 562/2012:

3. To be heard along with Writ Petition (Civil) No.274/2009.

W.P.(C) No. 274/2009:

4. Mr. Rakesh Khanna, learned Additional Solicitor General appearing for the Union of India has drawn our attention to a letter dated 22nd August, 2013, addressed to him by the Deputy Secretary to the Government of India. In this letter, it is stated in paragraph 2 that the modalities for updating of NRC have been mutually agreed between the State of Assam and the Union of India. That being so, the authorities concerned can proceed to take steps in accordance therewith.

5. By an order passed on the last date of hearing i.e. 2.8.2013,

in paragraph 5 we had suggested that it would be desirable that the first two stages of pre-scanning and printing of records can be proceeded simultaneously so that time can be saved. The letter dated 22nd August, 2013 states that though though these two stages can be proceeded concurrently, there are various other things which are required to be done, such as development of software, selection of vendors for data entry, designing of application form for NRC updation, issuing gazette notification for updating of NRC. It is stated that all these steps will take at least 8 to 10 months.

6. Although this is what is stated in the letter, we would still like to impress upon the Government of India as well as the State of Assam that the two stages are not the stages wherein field work is involved. This is the work to be done at the office level, and certainly they can try to do it within six months and they should make an endeavour towards that end. The letter also mentions that an appropriate financial clearance is required from the Expenditure Finance Committee of the Central Government. We expect that the necessary clearance will be given at the earliest. We also expect issuance of the gazette notification by the Registrar General of India in the meanwhile.

7. Inasmuch as the intervenors are permitted to file their affidavits within four weeks and the Government of India as well as the State of Assam are given four weeks' time thereafter to file their

response, we expect both these steps, namely, clearance for financial purposes as well as the issuance of gazette notification to be taken within the same period.

These petitions are adjourned to 18th October, 2013 at 2.00 p.m.

(A.S. BISHT)

COURT MASTER

(SNEH LATA SHARMA)

COURT MASTER