

ITEM NO.301

COURT NO.2

SECTION PIL-W/X/XIV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION(C) NO.274 OF 2009

ASSAM PUBLIC WORKS

PETITIONER(S)

VERSUS

UNION OF INDIA &amp; ORS.

RESPONDENT(S)

[IA NO.105327/2018-APPROPRIATE ORDERS/DIRECTIONS  
IA NO.86040/2018-CLARIFICATION/DIRECTION  
IA NO.86036/2018-CLARIFICATION/DIRECTION  
IA NO.105666/2018-EXEMPTION FROM FILING OT  
IA NO.103961/2013-INTERVENTION APPLICATION  
IA NO.10/2013-INTERVENTION APPLICATION]

WITH

W.P.(C) NO. 562/2012 (X)

(I.A.FOR STAY APPLICATION ON IA 1/2012, FOR ON IA 24/2017 FOR ON  
IA 25/2017 FOR IMPEADING PARTY ON IA 41036/2017 FOR  
INTERVENTION/IMPEADMENT ON IA 41036/2017 FOR INTERVENTION  
APPLICATION ON IA 92739/2018 IA 1/2012-STAY APPLICATION)

W.P.(C) NO. 916/2014 (PIL-W)

(FOR [PERMISSION TO FILE ANNEXURES] ON IA 2/2015  
FOR EXEMPTION FROM FILING O.T. ON IA 3/2015 AND IA NO.119677/2017-  
IMPEADING PARTY)

W.P.(C) NO. 876/2014 (X)

(IA NO.1/2014-STAY APPLICATION)

W.P.(C) NO. 311/2015 (X)

(FOR ON IA 2/2015

IA NO.1/2015-SEEKING LEAVE TO FILE WRITTEN ARGUMENTS)

W.P.(C) NO. 449/2015 (X)

(FOR ON IA 1/2015)

W.P.(C) NO. 450/2015 (X)

(FOR ON IA 1/2015)

W.P.(C) NO. 68/2016 (PIL-W)

(IA NO.1/2017-INTERVENTION APPLICATION)

W.P.(C) NO. 470/2018 (X)

(FOR ADMISSION AND I.R. AND IA NO.69948/2018-EXEMPTION FROM FILING  
O.T.)



Mr. Debojit Borkakati, AOR  
Mr. M. Balashivudu, Adv.

Mr. Aviral Saxena, Adv.  
Ms. Rachana Srivastava, AOR  
Ms. Monika, Adv.

Mr. Kamal Nayan Chaudhary, Adv.  
Mr. Manish Goswami, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

Ms. Anitha Shenoy, Adv.  
Ms. Rashmi Nandakumar, Adv.  
Ms. Srishti Agnihotri, Adv.  
Ms. Remya Raj, Adv.

Ms. Diksha Rai, AOR.  
(Standing counsel for the State of Assam)  
Ms. Palak Mahajan, Adv.

Mr. Siddhartha Luthra, Sr. Adv.  
Ms. Rashmi Singhanian, Adv.

Mr. Sarad Kumar Singhanian, Adv.  
Mr. Milind Kumar, AOR

Mr. B.H. Marlapalle, Sr. Adv.  
Mr. Ajit Wagh, Adv.  
Mr. A.S. Tapadar, Adv.  
Mr. Apoorv Shukla, Adv.  
Mr. Mansoor Ali, AOR  
Mr. H.U. Choudhury, Adv.  
Mr. Nasir Aziz, Adv.  
Mr. Chandan Kumar Mandal, Adv.

Mr. Pratap Venugopal, Adv.  
Ms. Niharika, Adv.  
Mr. Salvador Rebello, Adv.

Mr. M. Yogesh Khanna, AOR  
Mr. S. Partha Sakathi, Adv.

Mr. Tapes Kumar Singh, AOR  
Mr. Mohd. Waquas, Adv.  
Mr. Aditya Pratap Singh, Adv.

Mr. Leishangthem Roshmani Kh, AOR  
Ms. Maibam Babina, Adv.

Mr. Santi Ranjan Das, Adv.  
Mr. Anindo Mukherjee, Adv.  
Ms. Sarla Chandra, AOR

Mr. Anil Kumar Pandey, Adv.  
Mr. Sunny Chaudhari, Adv.

Mr. Prateek Jalan, Adv.  
Ms. Malvika Trivedi, Adv.,  
Mr. Rahul Kriplani, Adv.  
Mr. Ankit Yadav, Adv.  
Mr. T. Mahipal, AOR

Mr. A.K. Upadhyay, Adv.  
Mr. R.D. Upadhyay, AOR

Mr. Mohit D. Ram, AOR  
Ms. Monisha Handa, Adv.

Mr. K.K. Venugopal, Attorney General  
Mr. Tushar Mehta, ASG  
Mr. Ajit Kr. Sinha, Sr. Adv.  
Ms. Rashmi Malhotra, Adv.  
Mr. Rohit Bhat, Adv.  
Ms. Kiran Bhardwaj, Adv.  
Ms. Binu Tamta, Adv.  
Mr. Rajat Nair, Adv.  
Mr. R.M. Bajaj, Adv.  
Ms. Rekha Pandey, Adv.

Mr. Raj Bahadur, Adv.  
Mr. B.V. Balaramdas, AOR

Mr. Shuvodeep Roy, AOR  
Mr. Sayooj Mohandas M., Adv.  
Mr. Rituraj Biswas, Adv.  
Ms. L.S. Changsan, Principal Secy.

Mr. M. Shoeb Alam, AOR  
Ms. Fauzia Shakil, Adv.  
Mr. Ujjwal Singh, Adv.  
Mr. Mojahid Karim Khan, Adv.

Ms. Prerna Singh, Adv.  
Mr. Prashant Mathur, Adv.  
Mr. Guntur Prabhakar, AOR

Mr. Krishan Kumar Pandey, Adv.  
Mr. Hitesh Kumar Sharma, Adv.  
Mr./Ms. M. Mishra, Adv.  
Mr. Syed Ali Ahmad, adv.  
Mr. Syed Tanweer Ahmad, Adv.  
Mr. S.S. Bandyopadhyay, Adv.  
Mr. Mohan Pandey, AOR

Mr. S.S. Shamsbery, A.A.G, Rajasthan  
Mr. Amit Sharma, Adv.  
Mr. Sandeep Singh, Adv.  
Mr. Ankit Raj, Adv.  
Ms. Ruchi Kohli, AOR  
Mr. Milind Kumar, AOR  
Ms. Indira Bhakar, Adv.

Mr. S. Udaya Kumar Sagar, Adv.  
Mr. Mrityunjai Singh, Adv.

Mr. Ranjan Mukherjee, AOR  
Mr. Daniel Stone Lyngdoh, Adv.  
Mr. K.V. Kharlyngdoh, Adv.

Ms. K. Enatoli Sema, AOR  
Mr. Amit Kumar Singh, Adv.  
Mr. Z.H. Isaac Haiding, Adv.

Mr. Ejaz Maqbool, Adv.  
Ms. Akriti Chaubey, Adv.  
Ms. Quarratulian, Adv.  
Ms. Tanya Shree, Adv.  
Mr. Kunwar Aditya Singh, Adv.

Mr. Pradeep Misra, AOR  
Mr. Aditya Kr. Dubey, Adv.

Mr. P. V. Yogeswaran, AOR  
Mr. Mudit Makhijani, Adv.

Mr. Shibashish Misra, AOR  
Mr. Chandan Kumar Mandal, Adv.

Ms. G. Indira, AOR  
Mr. K.V. Jagdishvaran, Adv.

Ms. Ranjeeta Rohatgi, AOR

Mr. Sunil Murarka, Adv.  
Mr. S.P. Roy, Adv.  
Mr. Partha Sil, AOR  
Mr. Tavish B. Prasad, Adv.

Mr. R. Balasubramanian, Adv.  
Ms. Aarti Sharma, Adv.  
Mr. B. Krishna Prasad, AOR

Mr. Suhaan Mukerji, Adv.  
Mr. Harsh Hiroo Gursahani, Adv.  
Ms. Kajal Dalal, Adv.  
Mr. Abhishek Manchanda, Adv.  
Ms. Astha Sharma, Adv.  
*for* M/S. PLR Chambers And Co., AOR

Ms. Sneha Kalita, AOR  
(Gauhati High Court)

Ms. Lhingneivah, Adv.  
Mr. Salvador Santosh Rebello, Adv.  
Mr. Merusagar Samantaray, AOR

Mr. Jugal Kishore Gilda, Adv.  
Mr. Aniruddha P. Mayee, AOR  
Mr. Chirag Jain, Adv.

Mr. Kapil Sibal, Sr. Adv.  
Mr. Salman Khurshid, Sr. Adv.  
Mr. Fuzail Ahmad Ayyubi, AOR  
Mr. Abdul Qadir, Adv.  
Mr. Mustafa Khaddam Hussain, Adv.  
Ms. Tehseena Z. Hussain, Adv.  
Ms. Lubna Naaz, Adv.  
Ms. Kuhika, Adv.  
Mr. Jawad Tariq, Adv.  
Mr. Kauser Husain, Adv.  
Mr. Ibad Mushtaq, Adv.

Mrs. D. Bharathi Reddy, AOR  
Ms. Rachna Gandhi, Adv.

Mr. C. K. Sasi, AOR  
Ms. Nayantara Roy, Adv.

Ms. Aruna Mathur, Adv.  
Mr. Avneesh Arputham, Adv.  
Ms. Anuradha Arputham, Adv.  
Ms. Geetanjali, Adv.  
*for* M/S. Arputham Aruna & Co., AOR

Ms. Hemantika Wahi, AOR  
Ms. Puja Singh, Adv.  
Ms. Vishakha, Adv.  
Ms. Mamta Singh, Adv.

Ms. Arna Das, Adv.  
Mr. Gaurav Dhingra, AOR

Mr. Somiran Sharma, AOR

Mr. Kailash Prashad Pandey, AOR

Ms. Madhumita Bhattacharjee, AOR

Mr. Abhijit Sengupta, AOR

Mr. Snehasish Mukherjee, AOR

Mr. Parijat Sinha, AOR

Mr. D. S. Mahra, AOR

Mr. B. Balaji, AOR

Mr. Kuldip Singh, AOR

Ms. Liz Mathew, AOR

Ms. Abha R. Sharma, AOR

Mr. Abhishek, AOR

Mr. Sunny Choudhary, AOR

Mr. Anuvrat Sharma, AOR

Mr. Ashok Kumar Singh, AOR

Mr. Abhinav Mukerji, AOR

M/S. K J John And Co, AOR

Mr. Chanchal Kumar Ganguli, AOR

Mr. V. N. Raghupathy, AOR

Mr. Gopal Singh, AOR

Ms. Sushma Suri, AOR

Mr. V. K. Sidharthan, AOR

M/S. Corporate Law Group, AOR

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

During the course of hearing one of the issues that has cropped up is whether at the stage of filing of claims a claimant should be allowed to change the legacy and submit additional documents though included in List 'A'.

Having considered the matter we are of the view that ramifications of this proposed change should be addressed by the learned Coordinator Shri Prateek Hajela who had carried out the entire exercise in the field. We, therefore, request Shri Hajela to submit a comprehensive report indicating the feasibility including the time taken and the advantages/disadvantages that may accrue if the aforesaid modification/change of legacy is permitted. Shri Hajela is requested to submit the report before 5<sup>th</sup> September, 2018 when this Bench will assemble at 2.00 p.m.



As a sequel to the above direction, the date of commencement of filing of claim(s) necessarily has to be postponed to a later date from the one proposed, namely, 30<sup>th</sup> August, 2018. We order accordingly.

At this stage, we may also indicate that pursuant to our previous order dated 16<sup>th</sup> August, 2018 Shri Hajela has placed before us a district-wise data of the percentage of the population who have been excluded from the final draft NRC. Having perused the same we are of the view that the Court should consider the necessity of carrying out the sample re-verification of at least 10% of the names included in the final draft NRC, if required, by a team of NSK Personnel from a neighbouring district. Shri Hajela is also requested to submit a report in this regard and the possible time frame when such an exercise can begin if ordered by the Court and the time frame within which the same can be completed.

List the matter on 5<sup>th</sup> September, 2018 at 2.00 p.m.

I.A.NO.103961/2018 (FOR INTERVENTION) AND I.A.  
NO.105327/20180 (FOR DIRECTIONS) IN WRIT PETITION (CIVIL)  
NO.274 OF 2009

Issue notice.

[VINOD LAKHINA]  
AR-cum-PS

[POOJA ARORA]  
COURT MASTER

[ASHA SONI]  
BRANCH OFFICER