Azadi Ka Amrit Mahotsav
आजादी का अमृत महोत्सव

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE, ROHINI COURTS: DELHI

No. 120(9901).Genl./F 3(A)/N-W & N/RC/2022 Delhi, dated the 27/5/2022

Sub: Order dated 25.04.2022 passed by Hon'ble Supreme Court of India in M.A. No. 706 of 2022 in M.A. No. 1577 of 2020 in Crl. Appeal No. 1375-1376 of 2013 titled " Asian Resurfacing of Road Agency P. Ltd. And anr. Vs. Central Bureau of Investigation "

Copy of the order dated 25.04.2022 passed by Hon'ble Supreme Court of India in M.A. No. 706 of 2022 in M.A. No. 1577 of 2020 in Crl. Appeal No. 1375-1376 of 2013 titled " Asian Resurfacing of Road Agency P. Ltd. And anr. Vs. Central Bureau of Investigation " , received from the High Court of Delhi, is being forwarded through electronic mode for information and necessary compliance to :-

1. All the Ld. Judicial Officers **(DHJS & DJS), North-West & North** District, Rohini Courts, Delhi.
2. The Personal Office, Ld. Principal District & Sessions Judge, North-West & North District, Rohini Courts Complex, Delhi.
3. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS.
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(Rakesh Kumar-IV)
Officer In-charge
General Branch
Rohini District Courts, Delhi

1032
25/5/22

IN THE HIGH COURT OF DELHI AT NEW DELHI

2936-2948
No._____/DHC/Gaz/G-2/Judgment/2022 Dated: 23rd May,2022.

From:

The Registrar General,
High Court of Delhi,
New Delhi-110003.

To,

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The Principal District & Sessions Judge (East), Karkardooma Courts Complex, Delhi.
3. The Principal District & Sessions Judge (South), Saket Courts Complex, New Delhi.
4. The Principal District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.
5. The Principal District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
6. The Principal District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
7. The Principal District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
8. The Principal District & Sessions Judge (South-East), Saket Courts complex, Delhi.
9. The Principal District & Sessions Judge (North), Rohini Courts Complex, Delhi.
10. The Principal District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
11. The Principal District & Sessions Judge (South –West), Dwarka Courts Complex, New Delhi.
12. The Principal District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RACC, New Delhi.
13. The Principal Judge (HQ), Family Courts, Dwarka, New Delhi.

Sub: Order dated 25.04.2022 passed by Hon'ble Supreme Court of India in M.A No. 706 of 2022 in M.A No. 1577 of 2020 in Crl. Appeal No. 1375-1376 of 2013 titled "Asian Resurfacing of Road Agency P. Ltd. and anr. Vs. Central Bureau of Investigation".

Sir/Madam,

I am directed to request you to kindly download the order dated 25.04.2022 passed by Hon'ble Supreme Court of India in M.A No. 706 of 2022 in M.A No. 1577 of 2020 in Crl. Appeal No. 1375-1376 of 2013 titled "Asian Resurfacing of Road Agency P. Ltd. and anr. Vs. Central Bureau of Investigation" from the official website of the Supreme Court of India i.e. supremecourtofindia.nic.in, and circulate the same amongst all the Judicial Officers under your respective control for information and necessary compliance.

Yours faithfully,

(Surender Pal)
Joint Registrar (Gazette-IB)
for Registrar General.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 706 OF 2022
IN
MISCELLANEOUS APPLICATION NO. 1577 OF 2020
IN
CRIMINAL APPEAL NOS. 1375-1376 OF 2013

ASIAN RESURFACING OF
ROAD AGENCY P. LTD. AND ANR. Appellant (s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION Respondent(s)

O R D E R

Application for impleadment is allowed.

We have heard Ms. Sakshi Kakkar, learned counsel for the applicant, as also Mr.Vikramjeet Banerjee, learned Additional Solicitor General.

In the application for clarification, we pass the following order:

The applicant seeks clarification that the order passed by this Court in *Asian Resurfacing of Road Agency Private Limited and Another* v. *Central Bureau of Investigation* (2018) 16 SCC 299 would apply to the facts of the applicant's case. It must be noted that the applicant is writ petitioner before the High Court. Learned Single Judge has disposed of the writ petition. The said judgment is challenged before the Division Bench in a Letter Patent Appeal. In the LPA, an interim order was passed granting

Signature Not Verified
Digitally signed by
Nidhi Ahuja
Date: 2022.04.29
18:13:45 IST
Reason:

stay on 06.02.2015:

> "One of the contention raised is that the respondent-Engineering College remained functional for hardly 2-3 years and is lying closed since the year 2013 and all the students who were admitted in that college have been migrated to other recognized Engineering Colleges.
>
> Let notice of motion be issued to respondent No. 1 only for 21.05.2015.
>
> Meanwhile, operation of the order passed by the learned Single Judge shall remain stayed.

Relying upon the judgment in *Asian Resurfacing of Road Agency Private Limited and Another* (supra), a clarification is sought that in the fact situation projected by the applicant, the principle enunciated by this Court will apply. We must notice that the direction issued in *Asian Resurfacing of Road Agency Private Limited and Another* (supra) arose out of the factual and legal matrix present therein. The case revolved around the questions arising out of the pendency of civil and criminal cases, i.e., of trial being halted and the tendency towards procrastination on the strength of the orders of stay granted. The result was that cases were not being taken to their logical conclusion with the speed with which they should have been done. We may notice the following :

> "36. In view of the above, situation of proceedings remaining pending for long on account of stay needs to be remedied. Remedy is required not only for corruption cases but for all civil and criminal cases where on account of stay, civil and criminal proceedings are held up. At times, proceedings are adjourned sine die on account of stay. Even after stay is vacated, intimation is not received and proceedings are not taken up. In an attempt to remedy this

> situation, we consider it appropriate to direct that in all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expiry of six months from today unless in an exceptional case by a speaking order such stay is extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalised. The trial court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced."

We are afraid that the attempt of the applicant to draw inspiration from the above directions as referred to above cannot succeed in view that this Court cannot be understood as having intended to apply the principle to the fact situation which is presented in this case. Accordingly, the miscellaneous application for clarification is disposed of by clarifying that the order of stay granted by the Division Bench in the High Court cannot be treated as having no force. However, we leave it open to the applicant to seek early disposal of the case.

......, J.
[K.M. JOSEPH]

......, J.
[HRISHIKESH ROY]

New Delhi;
April 25, 2022.

MA No. 706/2022 in MA 1577/2020 in Crl.A. No. 1375-1376/2013

ITEM NO.23 COURT NO.10 SECTION II-C

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

Miscellaneous Application No. 706/2022 in
MA 1577/2020 in Crl.A. No. 1375-1376/2013

(Arising out of impugned final judgment and order dated 15-10-2020 in MA No. 1577/2020 passed by the Supreme Court of India)

ASIAN RESURFACING OF ROAD AGENCY P. LTD. AND ANR. Petitioner(s)
VERSUS
CENTRAL BUREAU OF INVESTIGATION Respondent(s)

(FOR ADMISSION and IA No.13584/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.13581/2022-INTERVENTION/IMPLEADMENT and IA No.164290/2021-CLARIFICATION/DIRECTION and IA No.13583/2022-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 25-04-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For parties Ms. Sakshi Kakkar, AOR
Mr. Shakti Singh, Adv.
Ms. Urvashi, Adv.

Mr. K.K. Venugopal, AG.
Mr. Vikramjit Banerjee, ASG.
Ms. Binu Tamta, Adv.
Mr. V.V.V. Pattabhiram, Adv.
Ms. Rukhmini Bobde, Adv.

Mr. Vibha Dutta Makhija, Sr. Adv.
Ms. Rukhmini Bobde, Adv.
Mr. Mukesh Kumar Maroria, Adv.

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

The miscellaneous application is disposed of in terms of the signed order.

(NIDHI AHUJA) (RENU KAPOOR)
AR-cum-PS BRANCH OFFICER
[Signed order is placed on the file.]