



No. 29-3/2020-VA(Pt.II)

Dated 23 -02-2021

To

All Vigilance Heads,
BSNL Telecom Circles/ Units.

Sub: Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Supreme Court of India-reg.

Ref : CVC Circular No. 19/12/2020 (020/MSC/28/ -469650) dated 22.12.2020

Please find enclosed CVC circular referred above wherein the Commission has enclosed Ministry of Law and Justice's Office Memorandum No. N-17/10/2018-NM dated 13.06.2018 issued in the same matter.

2. As pointed out by Ministry of Law and Justice, in the judgement dated 28.03.2018, Hon'ble Supreme Court had ordered for limiting the period of stay granted by a court of law to six months, except in exceptional circumstances. The Commission has desired that, the order dated 28.03.2018 may be kept in view, while handling examining court matters in the organisations.

3. The Commission desires that appropriate and immediate steps may also be taken, in consultation with the organization's counsels/Legal Branch to ensure that the stay, if granted by a court of law, is vacated within six months period and court proceedings are commenced. It may be noted for compliance with immediate effect.

In view of the above, it is requested that, necessary pursuance with your circle legal section may be done to expedite all those cases where stay is operating for more than six months & compliance report may be submitted to this office in view of Commission's instructions.

This is issued with the approval of CVO, BSNL.

Encl : As above.


(Lochan Singh Naik)
Jt. General Manager (Vig.-I)

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023

Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं./No. 020/MSC/028

दिनांक / Dated 22.12.2020

Circular No. 19/12/20

Subject: Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Supreme Court of India.

Ministry of Law and Justice, vide their Office Memorandum No. N-17/10/2018-NM dated 13.06.2018 have brought to notice, the judgement dated 28.03.2018 of the Hon'ble Supreme Court in the above cited Criminal Appeal. Copy of O.M. dated 13.06.18 of Ministry of Law and Justice is enclosed.

2. As pointed out by Ministry of Law and Justice, in the judgement dated 28.03.2018, Hon'ble Supreme Court had ordered for limiting the period of stay granted by a court of law to six months, except in exceptional circumstances. The Commission has desired that the orders dated 28.03.2018 may be kept in view, while handling/examining court matters in the organisations. In respect of those court cases, where stay was granted by a trial court more than six months ago and also in cases based on CBI's investigation, which have been kept in abeyance due to court's orders, the issues may be examined in the light of the aforementioned judgement of the Hon'ble Supreme Court. Appropriate and immediate steps may also be taken, in consultation with the organization's counsels/Legal Branch to ensure that the stay, if granted by a court of law, is vacated within six months' period and court proceedings are commenced.

3. The above position may also be brought to the notice of the Chief Executive and Legal Branches of the organisations concerned for keeping the Supreme Court's orders in view, while handling Legal/ Court matters.

4. Complete judgement of the Hon'ble Supreme Court may be accessed from the Supreme Court's website through the link https://sci.gov.in/supremecourt/2011/27580/27580_Judgement_28-Mar-2018.pdf.

5. It may be noted for compliance with immediate effect.

(Rajiv Verma)
Officer on Special Duty

All Chief Vigilance Officers

Encls: As above.

File No N-17/10/2018-NM
Government of India
Ministry of Law and Justice
Department of Justice

Jaisalmer House
26, Mansingh Road, New Delhi-110011
Dated: the 13th June, 2018

OFFICE MEMORANDUM

Subject: Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Hon`ble Supreme Court of India.

Sir,

This Department has received a copy of Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Hon`ble Supreme Court of India, through the Office of Hon`ble Prime Minister for forwarding to all concerned.

The implication of the aforesaid judgment is that where any action by a development agency or an enforcement agency, as the case may be, was stayed by a court of law, the same shall stand vacated automatically at the expiry of 6 months from the date of the order i.e. 28.03.2018, unless the same is extended by a speaking order. Further, the judgment casts a responsibility on the court granting stay that the speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. Also, in such cases where the stay is extended, the trial court has been directed to fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence.

The judgment of Hon`ble Supreme Court can be accessed at https://sci.gov.in/supremecourt/2011/27580/27580_Judgement_28-Mar-2018.pdf.


(Giridhar G Pai)
Director
Ph. 23072145

Secretary
Department of Atomic Energy
Anushakti Bhavan, Chatrapathi Shivaji
Maharaj Marg, Mumbai - 400001

Copy to: - Under Secretary (JI), Department of Justice for uploading on portal w.r.t PMO ID No 4827311/PMO/2018-Pol dated 24.04.2018.