

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No. 1280/2012

% **Reserved on: 3rd February, 2015**
Pronounced on: 2nd March, 2015

SEEMA SAPRA Petitioner

Through: Petitioner in person.

versus

GENERAL ELECTRIC CO. & ORS. Respondents

Through: Mr.Vivek Goyal, CGSC for R-5/UOI.

Mr. N.Ganpathy with Mr.Manpreet
Lamba, Adv. for R-1, 6 and 7.

Mr. Om Prakash, Adv. with Ms.
Honey Kolawar, Adv. for Ministry of
Railways.

Ms. Firdouse Qutbwani Adv. for R-
13.

Mr.Vikram Dhokalia, Advocate for
R-16.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

HON'BLE MR. JUSTICE P.S.TEJI

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J

1. This writ petition, which is essentially in two parts qua the causes of action and reliefs claimed, can be in one way disposed of by a very

short judgment, because, the first part/aspect and the reliefs claimed with respect thereto of challenge to the 2010 tender process of Railways for setting up manufacturing units for diesel and electric locomotive tenders has become infructuous because the tender process has been cancelled by the Ministry over one and a half years back, and the second part/aspect of the related reliefs of petitioner's claim as a whistle blower for grant of security to her by the State is without any basis whatsoever and hence cannot be granted. The judgment however will have to be a bit prolix in view of the aspect given below, including the aspect that petitioner has caused 28 judges of this Court to recuse from hearing the matter and that there have been over 90 hearings in the writ petition and the interim applications mostly filed by the petitioner.

2. Let us at this stage turn to the relief clauses of the writ petition:-

“1. Summon the records of Respondent Nos. 2,4 and 5 on whistle-blower complaints made by the Petitioner and after examining the records and hearing the Respondents, issue a writ of mandamus to Respondent 4 directing that Respondent 7 be disqualified and Respondent Nos. 1,6 and 7 be black-listed from the Diesel and Electric Locomotive Tenders (Global RFQ No.2010/ME (Proj)/4/Marhaura/RFQ and RFQ No. 2010/Elect. (Dev0 440/1(1).

2. Issue writs of mandamus to Respondent Nos. 2,4 and 5 directing them to respond to and act upon the said whistle-blower complaints in accordance with law.

3. Direct that Respondent No.2 inquire into commission of criminal offences (including forgery, bribery and public corruption)

arising out of the Petitioner's whistle-blower complaints and direct prosecution of GE employees and government officials and public servants found involved and complicit.

4. Enforce and protect the right to life of the Petitioner and direct that the Petitioner be provided full protection and safety and be immediately relocated to a safe house.

5. Pass such other and further orders as Hon'ble Court may deem fit and proper."

3(i) The first three reliefs pertain to the 2010 tenders process of the Railways for setting up diesel and electric locomotive manufacturing units at Madhepura and Marhowra. A reading of the first three reliefs prayed shows that the petitioner claims that respondent nos. 1,6 and 7, and which are the G.E.Electric Company and its sister companies (hereinafter jointly referred to as G.E); be disqualified from the subject tenders and G.E. be also black listed. Petitioner seeks the related reliefs that respondent nos. 2,4 and 5 i.e Central Vigilance Commission (CVC); Indian Railways, and ; Prime Minister's Office (PMO) respectively, act upon the complaints of the petitioner with respect to the petitioner's claims of forgery, corruption etc with respect to the aforesaid tenders.

(ii) The fourth relief that the petitioner seeks is that the petitioner alleges that her life is in danger on account of her acting as a whistle-blower

qua the aforesaid tenders, and therefore, she be provided full protection and safety by the government including by immediate relocation to a safe house.

4. On 31.5.2013, the date fixed in the case, a Division Bench of this Court recorded the statement made by Sh. Rajeev Mehra, the then Additional Solicitor General(ASG) that the tenders in respect of which the main part of the writ petition pertained to had been cancelled and the entire process has restarted from the beginning. The writ petition therefore at this stage itself ordinarily ought to have been brought to an end, inasmuch as, once the tender process itself had been cancelled, there did not survive any major aspect or issue, except of course the self-serving claim of the petitioner that G.E be black listed on account of allegations made by her of forgery and corruption, but even after the statement of the ASG was recorded on 31.5.2013, over 40 dates of hearings were still fixed in the writ petition, and which really was because petitioner did not want that the proceedings in this petition should come to an end.

5. A few salient features of the case are noted at the very outset since these aspects will run as a golden thread through the entire case discussion, and which are as under:-

(i) The petitioner's averments in the writ petition are basically only self-serving allegations, and there is no independent corroborative basis of documentary evidence to support the allegations which have been made by the petitioner. The documentary evidence which the petitioner relies upon, essentially for the major part pertains to but her own correspondence and communications with different respondents, persons and bodies/entities.

(ii) Petitioner, who is an advocate, and claims to be a whistle blower, was employed with the respondent no.1 as a legal consultant. The contract between the petitioner and the respondent no.1 was for 11 months from 21.4.2010 to 20.3.2011, however, petitioner's services were prematurely terminated in around September 2010. Petitioner therefore is not a disinterested person acting *bonafidely* in filing this Public Interest Litigation (PIL), and the writ petition has been filed essentially to get even with her employer for having terminated her contractual services.

(iii) Whenever the writ petition came up before any Bench, the standard operating procedure of the petitioner was for some totally uncalled for reason or the other to cause recusal of the Judges constituting the Bench by expressing lack of confidence in the Bench or making false allegations against the judges constituting the Bench or creating scenes in Courts etc,

and which modalities were adapted even before this Bench, and which had to conclude the hearings by passing a judicial order for reserving the judgment in this case.

6. At this stage, we would seek to reproduce the last order dated 3.2.2015 by which the arguments of the petitioner were closed by this Court, and this order reads as under:-

“1. The petitioner states that she has moved an application for transfer of this case because she has no faith in this Bench, however in our opinion we are not bound to recuse ourselves as prayed by the petitioner. It is noted, and which is seen from the perusal of the record of this case, that twenty eight Judges of this Court have recused from hearing this matter on account of similar stance of the petitioner before those Benches, and against which Benches the petitioner has made uncalled for remarks and allegations. There are over two dozen order sheets of different Benches of this Court in this case which show that inspite of hearings being given to the petitioner, running into hours and hours, the petitioner has not concluded her arguments and the case has thus remained pending. A litigant, and a litigant who is a lawyer, cannot in effect seek change of Benches at her asking. The prayer made for this Bench to recuse is thus rejected.

2. Though the petitioner states that the matter be adjourned because the application which she has filed today praying for transfer of the case from this Court is not on record, we again specifically decline the request, and order that the petitioner should continue with her arguments on merits on the writ petition, and for which purpose this case was fixed today specifically at 3.00 PM vide order dated 22.1.2015.

3. Once again in spite of the repeated directions to the petitioner to commence her remaining arguments on merits, the petitioner does not argue the case on merits, and therefore the petitioner is once again requested to commence her arguments on merits in the writ petition.

4. At this stage, the petitioner insists that the orders passed by earlier Benches of this Court be referred to, and reference is particularly invited to the order of a Division Bench of this Court dated 16.1.2013, however, in our opinion, since this Court has commenced the hearing, no earlier order by the Division Bench could or would have obviously made directions with respect to how this can be heard on merits by a subsequent Bench. The petitioner is once again directed to commence her arguments on merits in the writ petition.

5. Petitioner has now commenced her arguments in the writ petition.

6. Petitioner has been heard till 4.30 PM.

7. Petitioner states that she has not completed her arguments and she would need at the very least around 15 to 20 more hearings to complete her arguments, and even probably many more. We find this unacceptable in a case like this and especially in view of the earlier orders of this Court and particularly the last order dated 22.1.2015.

8. Judgment reserved.”

7. Before we turn in detail to the conduct of the petitioner including as noticed in the various orders passed by this Court, and that as many as 28 judges of this Court had to recuse themselves from the matter, we would like to set down the various observations of the Supreme Court made in its different judgments with respect to parameters of entertaining and deciding a PIL. Supreme Court has repeatedly held that in sum and substance a PIL litigation as is/was intended can be/is a *bona fide* litigation and which is not/cannot be a private interest litigation or a politics interest litigation or a paisa income litigation. Courts have come down with heavy hands on the regular misuse of PILs by certain sections of the citizens of this

country whereby the entire objects of a PIL were being defeated, inasmuch as the concept of PIL was created by judicial pronouncements with respect to matters of essentially far reaching public interest and for those circumstances where the downtrodden and weak sections of the community could not approach the courts and therefore they were represented before Courts by public spirited persons who filed PILs on their behalf. Wherever underlining is given hereinafter in this judgment, the same is for showing importance/emphasis to the relevant observations.

8. In the case of *State of Madhya Pradesh & Anr. Vs. Narmada Bachao Andolan 2011 (7) SCC 639* Supreme Court has observed that in a PIL petition not only there has to exist requisite pleadings, but also that such pleadings have to be substantiated effectively. Supreme Court has further observed that PILs should not be entertained so that the persons achieve oblique motives through the beneficent route of a PIL. Supreme Court has cautioned that a PIL should not be converted into a roving and fishing enquiry and that very high standards of responsibility are expected from a litigant who approaches this Court by filing a PIL. The aforesaid relevant observations of the case along with the other related observations are contained in the following paragraphs of this judgment of the Supreme Court:-

“Public interest litigation

156. It has often been stated that PIL jurisdiction should be exercised cautiously in matters that primarily require the attention of the democratic process, or the State or those issues whose crevices and complexities the court may not easily unravel, and comparatively generously in cases involving public interest of sections of people for whom the administration of justice and its reach are not effective and the rights delivery processes, are shown to be weakened by power and influence. (Vide: R. and M. Trust v. Koramangla Residents Vigilance Group).

157. Where the cause of action is genuinely in the general public interest, the court will relax the requirement of bona fides and appoint an amicus curiae to deal with the matter and keep the matter out of the power of the original applicant. [Vide: M/s Holicow Pictures Pvt. Ltd. v. Prem Chandra Mishra and A. Abdul Farook (supra)].

158. The 'rights' of the public interest litigant in a PIL are always subordinate to the 'interests' of those for whose benefit the action is brought. The status of dominus litis could not be conferred unreflectively or for the asking on a PIL Petitioner as that would render the proceedings "vulnerable to and susceptible of a new dimension which might, in conceivable cases be used by persons for personal ends resulting in prejudice to the public weal". (vide:Sheela Barse v. Union of India and Ors.).

159. The standard of expectation of civic responsibility required of a Petitioner in a PIL is higher than that of an applicant who strives to realise personal ends. The courts expect a public interest litigant to discharge high standards of responsibility. Negligent use or use for oblique motives is extraneous to the PIL process for were the litigant to act for other oblique considerations, the application will be rejected at the threshold. Measuring the 'seriousness' of the PIL Petitioner and to see whether she/he is actually a 'champion' of the cause of the individual or the group being represented, is the responsibility of the Court, to ensure that the party's procedural behaviour remains that of an adequate 'champion' of the public cause. (Vide: The Janata Dal v. H.S. Chowdhary, Kapila Hingorani (1) v. State of Bihar and Kusum Lata v. Union of India.)

160. The constitutional courts have time and again reiterated that abuse of the noble concept of PIL is increasing day-by-day and to curb this abuse there should be explicit and broad guidelines for entertaining petitions as PILs. This Court in State of Uttaranchal v. Balwant Singh Chaufal has given a set of illustrative guidelines, inter alia:

(i) The court should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.

(ii) The court should also ensure that there is no oblique motive behind filing the public interest litigation, etc. etc.

Therefore, while dealing with PIL, the Court has to be vigilant and it must ensure that the forum of the Court be neither abused nor used to achieve an oblique purpose.

MISLEADING STATEMENT AMOUNTS TO CRIMINAL CONTEMPT

161. A person seeking relief in public interest should approach the Court of Equity, not only with clean hands but also with a clean mind, clean heart and clean objective. Thus, he who seeks equity must do equity. The legal maxim "Jure Naturae Aequum Est Neminem cum Alterius Detrimeto Et Injuria Fieri Locupletiozem", means that it is a law of nature that one should not be enriched by the loss or injury to another. The judicial process should never become an instrument of oppression or abuse or means to subvert justice.

162. "The interest of justice and public interest coalesce. They are very often one and the same". Therefore, the Courts have to weigh the public interest vis-à-vis the private interest. A petition containing misleading and inaccurate statement(s), if filed, to achieve an ulterior purpose, amounts to an abuse of the process of the Court and such a litigant is not required to be dealt with lightly. Thus, a litigant is bound to make "full and true disclosure of facts". The Court is not a forum to achieve an oblique purpose.

163. Whenever the Court comes to the conclusion that the process of the Court is being abused, the Court would be justified in refusing to proceed further with the matter. This rule has been evolved out of need of the Courts to deter a litigant from abusing the process of the

Court by deceiving it. However, the concealed fact must be material one in the sense that had it not been suppressed, it would have an effect on the merit of the case/order. The legal maxim "Juri Ex Injuria Non Oritur" means that a right cannot arise out of wrong doing, and it becomes applicable in a case like this. (Vide: Ramjas Foundation and Ors. v. Union of India, Noorduiddin v. Dr. K.L. Anand, Ramniklal N. Bhutta and Anr. v. State of Maharashtra, Sabia Khan v. State of U.P., S.J.S. Business Enterprises (P) Ltd. v. State of Bihar and Union of India v. Shantiranjan Sarkar.)

164. It is a settled proposition of law that a false statement made in the Court or in the pleadings, intentionally to mislead the Court and obtain a favourable order, amounts to criminal contempt, as it tends to impede the administration of justice. It adversely affects the interest of the public in the administration of justice. Every party is under a legal obligation to make truthful statements before the Court, for the reason that causing an obstruction in the due course of justice "undermines and obstructs the very flow of the unsoiled stream of justice, which has to be kept clear and pure, and no one can be permitted to take liberties with it by soiling its purity". (Vide: Naraindas v. Government of M.P., The Advocate General, State of Bihar v. M.P. Khair Industries and Afzal and Anr. v. State of Haryana)."

(underlining added)

9. In the case of *State of Uttranchal Vs. Balwant Singh Chauhal & Ors. (2010) 3 SCC 402*, Supreme Court has observed that PIL filed for extraneous consideration must be discouraged and that it should be entertained only where larger public interest is involved. Supreme Court has observed that the matter urged through the PIL must be so grave and urgent that it has to take precedents over other matters which have to be dealt with by the Court. Supreme Court has observed that when the petitioner is a

lawyer then such a lawyer is expected to do research before filing PIL. Supreme Court has also noted that credentials of the petitioner have to be verified before entertaining the PIL and in the PIL there should not be an issue of private motive for filing the PIL. The principles with respect to PIL have been culled out in para 181 of this judgment and which read as under:-

“181. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:

(1) The courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

(2) Instead of every individual judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the Rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.

(3) The courts should prima facie verify the credentials of the petitioner before entertaining a P.I.L.

(4) The court should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.

(5) The court should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The court should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) The courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The court should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.”

(underlining added)

10 In the case of *Ashok Kumar Pandey Vs. The State of West Bengal & Ors. (2004) 3 SCC 349*, Supreme Court has observed that PILs have to be admitted with great care because duty of court is for redressal of a genuine public wrong or a public injury, and PIL cannot be publicity oriented or founded on personal vendetta or political disputes or further disputes not relatable to public interest. Supreme Court has specifically observed that there is value to be placed on the time of courts and serpentine queues of genuine litigants should not be overlooked on account of so called PILs, which results in wastage of precious judicial time. Supreme Court has further observed that the petitioner in a PIL who approaches the Court must approach the Court with a clean heart, clean mind and a clean objective and courts should not allow some persons with vested interests to indulge in the pastime of meddling with judicial process

on account of improper motives. The relevant paras of this judgment are paras 4,12, 14 and 15 and which paras read as under:-

“4. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public Interest Litigation which has now come to occupy an important field in the administration of law should not be "publicity interest litigation" or "private interest litigation". or "politics interest litigation" or the latest trend "paise income litigation". If not properly regulated and abuse averted it becomes also a tool in unscrupulous hands to release vendetta and wreck vengeance, as well. There must be real and genuine public interest involved in the litigation and not merely an adventure of knight errant or poke ones into for a probe. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting *bona fide* and having sufficient interest in the proceeding of public interest litigation will alone have a *locus standi* and can approach the Court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in The Janta Dal case (supra) and Kazi Lhendup Dorji v. Central Bureau of Investigation, : (1992)ILLJ922SC . A writ petitioner who comes to the Court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. See Ramjas Foundation v. Union of India, : AIR1993SC852 and K.R. Srinivas v. R.M. Premchand, : (1994)6SCC620 .

12. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of

mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta. As Indicated above, Court must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The Court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busy bodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.

14. The Court has to be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests; (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the Court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the Executive and the Legislature. The Court has to act ruthlessly while dealing with imposters and busy bodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect.

15. Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good. (See State of Maharashtra v. Prabhu, : (1995)ILLJ622SC) and Andhra Pradesh State Financial Corporation v. GAR Re-Rolling Mills and Anr., : [1994]1SCR857 . No litigant has a right to unlimited drought on the Court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions. (See Dr. B.K. Subbarao v. Mr. K. Parasaran, : 1996CriLJ3983). Today people rush to Courts to file cases in profusion under this attractive name of public

interest. They must inspire confidence in Courts and among the public.”

(underlining added)

11. In the case of ***Dr. B.Singh Vs. Union of India (UOI) & Ors. (2004) 3 SCC 363***, Supreme Court has similarly observed that courts must caution itself against petitions which are styled as public interest litigations but are in fact not so. Supreme Court has observed that before admitting a PIL Court must be satisfied about the credentials of the applicant, *prima facie* correctness and information given in the petition, and the information being not vague and indefinite. In the petition, there must be laid out a concrete or credible basis for maintaining a cause before the court and the petition cannot be an adventure of a knight errant borne out of wishful thinking. The credibility of a PIL should be adjudged on the creditworthiness of the material averred. Supreme Court has also observed in this judgment that public interest litigation should not become politics interest litigation or private interest litigation or publicity interest litigation or paisa income litigation.

12. In the case of ***Neetu Vs. State of Punjab & Ors. (2007) 10 SCC 614***, Supreme Court has cautioned against use of PIL to unleash a private vendetta or personal grouse.

13. In the case of ***Kansing Kalusing Thakore & Ors. Vs. Rabari Maganbhai Vashrambhai & Ors. (2006) 12 SCC 360***, Supreme Court has observed that PILs are not meant for persons to seek redressal of their personal grievances or their personal vendetta. It has been observed in this judgment that non-maintainable PILs must be thrown out at the outset/threshold itself.

14. In the case of ***BALCO Employees Union (Regd.) Vs. Union of India & Ors. (2002) 2 SCC 333***, Supreme Court has observed that every matter of public interest cannot be a PIL and PIL is not a panacea for all wrongs. Supreme Court has reminded that the entire intention with respect to carving out of the doctrine of public interest litigation was to protect basic human rights of the weak and the disadvantaged and such process was innovated with respect to public spirited persons on account of the fact that persons who had to initiate the litigation, such persons on account of poverty, helplessness or economic/social disabilities could not approach the court. The relevant paras of this judgment are paras 77, 79 and 80 and which paras read as under:-

“77. Public Interest Litigation, or PIL as it is more commonly known, entered the Indian judicial process in 1970. It will not be incorrect to say that it is primarily the judges who have innovated this type of litigation as there was a dire need for it. At that stage, it

was intended to vindicate public interest where fundamental and other rights of the people who were poor, ignorant or in socially or economically disadvantageous position and were unable to seek legal redress were required to be espoused. PIL was not meant to be adversarial in nature and was to be a cooperative and collaborative effort of the parties and the Court so as to secure justice for the poor and the weaker Sections of the community who were not in a position to protect their own interests. Public Interest Litigation was intended to mean nothing more than what words themselves said viz., “litigation in the interest of the public.”

79. There is, in recent years, a feeling which is not without any foundation that Public Interest Litigation is now tending to become publicity interest litigation or private interest litigation and has a tendency to be counter productive.

80. PIL is not a pill or a panacea for all wrongs. It was essentially meant to protect basic human rights of the weak and the disadvantaged and was a procedure which was innovated where a public spirited person files a petition in effect on behalf of such person who on account of poverty, helplessness or economic and social disabilities could not approach the Court for relief. There have been, in recent times, increasingly instances of abuse of PIL. Therefore, there is a need to re-emphasize the parameters within which PIL can be resorted to by a Petitioner and entertained by the Court. This aspect has come up for consideration before this Court and all we need to be is to recapitulate and re-emphasize the same.”

(underlining added)

15. Keeping in mind the aforesaid observations of the Supreme Court as regards PILs, it is found that the facts of the present case show that the present writ petition suffers from all the ills which the Supreme Court has reminded time and again that PILs should not suffer from including that they should not be a private interest litigation filed on account of animosity/vendetta. The effect of the present PIL continuing in this

court for 90 hearings and over three years, is that the same has resulted in gross and criminal wastage of judicial time, and, time being deprived for the courts to look into cases of other litigants who have been waiting for years together in queue for their cases to be heard in their normal turn. The present writ petition, its filing, its unnecessary continuation in spite of the 2010 tenders being cancelled by the government, unnecessary and repeated applications being filed in the same (running into around 35 in number most of which are only of the petitioner), petitioner levelling all kinds of false allegations against different Benches of this court left right and centre and petitioner making uncalled for allegations against almost anyone and everyone who in some way have been remotely concerned with the subject matter though not really related to the case in any manner, shows that the present case is a classic case of the abuse of the PIL process. In order to show such *malafides* of the petitioner, some orders which have been passed by different Benches of this Court from time to time would be required to be referred to and such orders would include orders of recusal of different Benches of this Court and the same are as under:-

Order dated 7.3.2012

“1. On 05.03.2012, the petitioner, who appears in person, had stated that she had filed an affidavit in the Registry on 02.03.2012.

As the same was not on record, the matter was adjourned for today.

2. A perusal of the file shows that in this duration, the petitioner has filed three additional affidavits, the first one is dated 03.03.2012 and the other two are both dated 05.03.2012. In the two affidavits filed by the petitioner on 05.03.2012, she has requested this Court to recuse itself from hearing the present petition. The averments made in both the affidavits are completely baseless and the allegations levelled, a figment of the petitioner's imagination. The same have been made only to overawe the Court. However, the Court is neither overawed nor is it cowed down by the averments made by the petitioner in the affidavits and it declines her request to recuse itself in the matter.

3. It is relevant to note that the petitioner is a practicing advocate. Simply because she is appearing in person does not mean that she can claim the same latitude that an ordinary litigant appearing in person can. She is well aware of the manner in which a member of the Bar is expected to conduct herself in Court. She is also expected to be aware of the fact that a certain decorum is required to be maintained by counsels, while addressing arguments in Court. The petitioner ought to be mindful of the tone and tenor of the averments made by her in the affidavits filed on record. The averments made by the petitioner in the first affidavit dated 05.03.2012, particularly, paras 30 and 37 thereof and in the second affidavit of the same date, particularly, para 23 thereof as also many of her utterances today are scandalous and on the face of it, contemptuous. Despite the same, for the present, the Court is refraining from initiating contempt proceedings against the petitioner, while warning her to maintain decorum in Court and behave in a manner that behoves a counsel while addressing arguments and filing affidavits. In future, any misdemeanour on her part shall be viewed seriously.

4. Coming to the writ petition, issue notice. For the present, it is deemed appropriate to confine the notice to respondents No.1 to 7 and respondent No.12.

5. Counsels for respondent No.4/Indian Railways, respondent No.5/UOI and respondent No.12/CBI accept notice. They state that they have received copies of the paper book as filed by the petitioner originally, but they have not been served with copies of

the additional affidavits filed by her subsequently. The petitioner shall furnish copies of the additional affidavits to the counsels for the respondents. Counter affidavits be filed within four weeks with copies to the petitioner, who may file rejoinders before the next date of hearing.

6. Process fee be filed by the petitioner for effecting service on respondents No.1 to 3, 6 and 7 by Regd. AD post, through ordinary process as also by courier, returnable before the Registrar on 25th April, 2012, for completion of service and pleadings.

List in Court on 19th July, 2012.

CM 2770/2012 (for interim orders)

1. This application is filed by the petitioner for being provided protection and for being relocated to a safe house. On being asked if she is seeking any directions to respondent No.3/Delhi Police to offer her protection, the petitioner states that she is being extended threats by the police and therefore, does not want any directions to be issued to Delhi Police for protection. Instead, she states that respondent No.5/UOI be directed to provide her protection.

2. Counsel for respondent No.5/UOI submits that no such arrangement for grant of protection as sought by the petitioner can be made by respondent No.5/UOI.

3. Orders on the present application can be passed only after perusing the replies of the respondents. Replies to this application be filed within three weeks with copies to the petitioner, who may file rejoinders, if necessary, before the next date of hearing.

List on 9th May, 2012.

HIMA KOHLI, J”

Order dated 9.5.2012

“On 07.03.2012, the request made by the petitioner to this Court to recuse itself in the matter was declined for reasons elaborated in the said order. However, yet another request to the same effect is made by the petitioner today. Though the affidavits relied upon by the petitioner in support of her submission for

recusal were found to be devoid of merits, to dispel the impression of the petitioner that justice is not being dispensed to her by this Court, the Court declines to hear the matter any further.

List before the appropriate Bench, on 14th May, 2012 subject to the orders of Hon'ble the Acting Chief Justice.

HIMA KOHLI, J"

Order dated 14.5.2012

" When respondent's counsel sought time to respond to this petition, petitioner pressed for ex parte ad interim relief of stay of the tender process and for immediate police protection.

Realizing the gravity of this matter, petitioner has been heard for about two hours and still she complains that she is not allowed to address the Court. This is preposterous. The petitioner wants to address the Court for hours together by going through the documents which are indeed voluminous. Instead of answering the Court queries, she speaks extempore and when called upon to refer to the documents, she states that this petition has been drafted in a hurry.

The adamant conduct of the petitioner, who claims to be a practicing lawyer persuades this Court not to hear this matter any further.

List before some other Bench on 16th May, 2012, after obtaining orders from Hon'ble The Acting Chief Justice.

SUNIL GAUR, J"

Order dated 16.5.2012

"This court is not inclined to hear this matter.

Subject to orders of Hon'ble the Acting Chief Justice, put up before another Bench on 25.05.2012".

INDERMEET KAUR, J"

Order dated 26.11.2012

“This application has been moved to seek clarification of the order dated 19.11.2012. According to me, no clarification is necessary.

The application is dismissed.

The Registry shall ensure that on steps being taken by the petitioner, all unserved respondents will be served by all modes which are permissible. Dasti as well.

Despite aforesaid directions having been issued, Ms Seema Sapra did not permit the court proceedings to continue. Resultantly, I had to rise from court. Even though the petitioner was repeatedly requested, by my court staff to vacate the court, so that the remaining matters on board could be taken up, she refused to comply. On account of this behaviour of Ms Seema Sapra, I was unable to resume the court proceedings for nearly forty minutes, prior to lunch. Even post lunch, despite request by the court staff, the petitioner has refused to vacate the court. I was constrained to direct the Registrar General of this court to take necessary measures for having the petitioner escorted out of the court.

I am informed by the registry that contempt proceeding in CONT.CAS(Crl.) 3/2012 have been initiated by this court against the petitioner on a suo motu reference. The Division Bench in the said case has directed that the case file pertaining to the captioned writ petition, alongwith OMP No. 647/2012, be placed before it, on 24.01.2013.

In view of the aforesaid circumstances; which prima facie tantamount to willfully obstructing and interfering with conduct of judicial proceedings, the registry is directed not to list any application of the petitioner till such time further orders are passed in CONT.CAS.(Crl.) 3/2012. The proceedings of today shall also be placed before the Division Bench hearing the contempt petition for appropriate orders.

List before the Division Bench IV on 30.11.2012 subject to orders of the Hon'ble the Chief Justice.

RAJIV SHAKDHER, J”

Order dated 16.1.2013

- “1. Learned counsel appears on behalf of Siemens Ltd. Learned counsel states that appearance is being entered on account of the reason that summons issued for respondent No.13 named ?Siemens India? have been received by ‘Siemens Limited’.
2. We are noting as aforesaid and instructing petitioner to amend the Memo of Parties by correctly describing respondent No.13.
3. Let Vakalatnamas be filed by counsel who have appeared today in Court on behalf of respondents No.13 to 16.
4. None appears for respondent No.17. The petitioner who appears in person states that said respondent be not proceeded ex-parte today as she is hopeful that respondent No.17 would certainly enter appearance and file a counter affidavit.
5. Counter affidavits be filed by respondents No.13 to 17 within six weeks.

CM No. 2770/2012, 8677/2012, 19370/2012, 19501/2012, 19683/2012, 19820/2012, 105/2013, 428/2013 and 522/2013

1. Various issues have been raised in these applications and we have requested the petitioner who appears in person to prioritize the issues which the petitioner wants to argue and be decided by this Court in seriatim.
2. As we direct, as afore-noted, the petitioner who appears in person rises and states that it may be recorded in the order that as she is being prevented from making submissions and the Court is repeatedly threatening to transfer the matter.
3. Pointing out to the police officers present in Court, the petitioner alleges an attempt being made by them to kill her. The petitioner states that when she was living in Jangpura these police officers had tried to poison her and kill her.
4. Since the petitioner insists that said facts be recorded in the order-sheet, we have done so. The petitioner desires to file an affidavit recording as to what transpired in the Court today.

5. We may clarify that in the writ petition, above-noted civil miscellaneous applications have been filed by the petitioner.

6. The record of the writ petition, as on today, has reached page No.4999.

7. The writ petition raises an issue pertaining to 2 tenders floated by the Indian Railways being on Global RFQ No.2010/ME (Project)/4/Marhaura/RFQ and RFQ No.2010/Elect.(Dev/440/1(1)). The petitioner who claims to be a whistle blower wants directions to be issued against respondent No.2 i.e. Central Vigilance Commission to inquire into the criminal offences which petitioner claims are manifest from the complaints made by her against employees of General Electric Company as also the government servants. The petitioner also seeks protection and safety by being immediately relocated to a safe house.

8. With reference to the substantive issues raised in respect whereof we find that large number of sub-issues are being raised with reference to vakalatnamas filed, counter-affidavits filed, authority of the persons deposing to the affidavits or vakalatnamas executed, meaning thereby even the right of a particular counsel to represent a party is being questioned.

9. The hearing of the various issues in the multifarious form as they are projected before us would require, even if day to day hearing is held, at least 10 to 15 days. Considering the heavy Board which we are currently dealing with, it will not be possible to devote 15 to 20 days exclusively to the matter and thus we direct the Registry to place the instant writ petition along with our order before Hon'ble the Chief Justice on the Administrative Side who may consider to either constitute a Special Bench which could devote daily hearing to the writ petition or grant at least 2 weeks time to this Bench to exclusively hear the instant writ petition and in that period the Board of this Bench be taken over by some other Bench.

10. The matter should be placed before Hon'ble the Chief Justice on the Administrative Side tomorrow.

11. The parties are requested to be in touch with the Registry to ascertain what orders are passed by Hon'ble the Chief Justice on the Administrative Side.

12. Subject to orders which may be passed by Hon'ble the Chief Justice the writ petition and the application would be listed on January 23, 2013.

PRADEEP NANDRAJOG, J.”

Order dated 24.1.2013

“These matters cannot be heard by the present Bench.

List before another Bench in which one of us (Justice S. Ravindra Bhat) is not a member, subject to orders of Hon'ble the Chief Justice, on 30th January, 2013.

S. RAVINDRA BHAT, J

SUDERSHAN KUMAR MISRA, J”

Order dated 30.1.2013

“List before another Bench, of which, neither of us is a member, on 04.02.2013, subject to orders of Hon'ble the Chief Justice.

BADAR DURREZ AHMED, J

R.V.EASWAR, J”

Order dated 1.2.2013

“Subject to the orders of Hon'ble the Chief Justice, list on 04.02.2013 before another bench of which one of us, namely, Sanjiv Khanna, J. is not a member.

SANJIV KHANNA, J

SIDDHARTH MRIDUL, J”

Order dated 27.2.2013

“CM No.2477/2013

The petitioner who appears in person seeks an adjournment to support her plea that this is maintainable in the present proceedings.

List for hearing on this application on 18th April, 2013.

WP(C) No. 1280/2012

The petitioner has vehemently complained that she is homeless and needs accommodation. Without going into any legal issues, we have suggested to the petitioner that we could refer her case to the authorities under the Ministry of Women and Child Development to see if she can be given accommodation under any scheme of Government. The petitioner has categorically refused the suggestion. She submits that she would move an appropriate application giving reasons as to why she does not want the facility from the State and setting out the kind of protection and accommodation which is appropriate for her based on evidence and facts which are on record.

Dasti.”

GITA MITTAL, J

J.R.MIDHA, J.”

Order dated 18.4.2013

“1. The petitioner submits that she is in the process of drafting and filing an application seeking transfer of the matter from this court and prays for an adjournment.

2. The petitioner has also expressed the grave concern to her life and security on the ground that she has been rendered homeless and is living out in her own car.

3. When this was expressed before us on the 27th of February, 2013, we had proposed to examine the possibility of assistance being given to the petitioner under any scheme which may be under implementation by the Government. The petitioner had expressed complete abhorrence to the suggestion which was recorded by this court in the order dated 27th February, 2013. The petitioner submits that she has rejected the proposal because according to her the only facility available with the State is that of the Nari Niketan and Nirmal Chhaya, which does not befit her status as an advocate. This stand is unfortunate as there is every

possibility of some facility being available where the petitioner could be accommodated.

Inasmuch as the petitioner is completely opposing the order even calling for a report with regard to the possibility of any reasonable facilities being made available to her by the Ministry of Women and Child Welfare, we are unable to make any directions on this issue. The petitioner submits that she is seeking directions from the Ministry of Home Affairs.

4. The petitioner states that her only submission is that the suggestion that she be sent to Nari Niketan or Nirmal Chhaya is atrocious and that she has not said anything else. This court has not made this suggestion at all.

5. The petitioner has vehemently complained that she is being poisoned and running since mid May, 2010. It is her contention that the respondents are actively conniving and conspiring against her and trying to poison her. Allegations are made by the petitioner that the Chief Medical Officer of the Delhi High Court Medical Centre as well as doctors in the Max Hospital have tampered with her medical records and she has made complaints against them. The petitioner submits that she has placed such reports on record. She submits that she has reported this matter to the highest in the judiciary who are not helping her. The petitioner has submitted that she has requested the Executive Members of the Delhi High Court Bar Association who have refused to help. The petitioner submits that yesterday her car was tampered with and broken into outside the Delhi High Court premises.

Given the grave apprehensions being expressed by the petitioner against almost every possible authority as well as the fact that she submits that she is sleeping in public places in a vehicle, we are deeply concerned about the life and property of the petitioner. The petitioner certainly needs adequate protection.

6. In view of the above, we direct as follows: -

(i) List the writ petition on 22nd April, 2013, as requested by the petitioner.

(ii) A direction is issued to the Commissioner of Police, Police Headquarters, New Delhi to ensure that adequate steps are immediately taken to secure the life and property of the petitioner.

(iii) The Registrar General of this Court shall monitor the compliance of our directions.

(iv) All pending applications be also listed on the next date of hearing.

(v) The registry shall list any application which is filed by the petitioner in accordance with the Delhi High Court Rules.

CM No.2477/2013

7. We had expressed reservation about the maintainability of the application, inter alia, on the ground that the prayer made in this application is way beyond the prayer made in the main writ petition.

8. On request of the petitioner, list on 16th May, 2013.

9. On request of the petitioner, dasti copy under the signature of the Court Master of this Court shall be delivered to the petitioner at 11.00 a.m. on 20th April, 2013 (Saturday).

CM Nos. 2770/2012, 7175/2012, 8677/2012, 8856/2012 and 18642/2012

List on 16th May, 2013.

GITA MITTAL, J

DEEPA SHARMA, J”

Order dated 22.4.2013

“The petitioner who appears in person submits that an application seeking transfer has been filed in the Registry today morning and the same requires to be considered before consideration of the writ petition. She proposes to file another writ petition during the course of the day.

On request of the petitioner, list on 16th May, 2012, the date already fixed.

GITA MITTAL, J

DEEPA SHARMA, J”

Order dated 29.4.2013

“ 1. Ms. Seema Sapra, petitioner appearing in person submits that there is an error in recording the order on the 22nd April, 2013. She submits that on that date that she had stated that she had filed an application seeking directions against the doctors at the Max and Apollo hospitals and an the application seeking directions against officials of the respondent Nos. 1 and 6, and not an application seeking transfer to the present writ petition. She submits that she had proposed to file an application seeking recusal by one of us (Gita Mittal, J) from hearing the present writ petition during the course of the day. It is pointed out that the order has erroneously recorded that the application seeking transfer has been filed in the Registry. According to Ms. Sapra, she does not wish to file another writ petition but was making the reference to the application for recusal.

2. In view of the submissions made by the petitioner before us today, it is directed that the order dated 22nd April, 2013 shall stand recalled and substituted by the following order:

“The petitioner who appears in person submits that she has filed an application seeking directions against the doctors at the Max Hospital and Apollo Hospital and another application seeking directions against officials of Respondent Nos. 1 and 6. She proposes to file an application seeking recusal by one of us (Gita Mittal, J) from hearing the present writ petition during the course of the day.

On request of the petitioner, list on 16th May, 2013, the date already fixed.”

3. The petitioner submits that for the reason that order dated 22nd April, 2011 was not made available to her on the internet and that the court record was not made available to her for inspection, she could not file the application for recusal.

She states that her prayer for recusal has to be considered before the writ petition or any other application could be considered and prays for an adjournment to file such application.

4. On request of the petitioner, list for directions on 1st May, 2013.

5. Dasti under the signatures of the Court Master to the petitioner.

GITA MITTAL, J

DEEPA SHARMA, J”

Order dated 1.5.2013

“1. The petitioner submits that she has not been able to file the application because she is being harassed by the police and was compelled to be at the Police Station till 2.00 A.M in the morning. She submits that she wants to file an affidavit seeking initiation of Contempt of Court against the police enclosing e-mails and a CD of video and audio footage taken by her of the harassment she has faced at the hands of the police.

2. She again submits that she will not file the affidavit till one of us on this Bench (Gita Mittal, J) recuses from hearing this case and she will be making an application for recusal.

3. The petitioner is an Advocate in person appearing before us who submits that she has been rendered homeless. The petitioner has stated that she is sleeping in her car on public streets which necessitated the passing of our order dated 18th April, 2013.

4. On our query, the petitioner informs that she is enrolled with the Delhi Bar Council. The petitioner refuses to answer the query as to whether she is a member of the Delhi High Court Bar Association.

5. We are deeply concerned about the welfare and security of the petitioner in view of her homeless condition. Consequently a direction is issued to the Secretary of the Delhi Bar Council to urgently examine the petitioner's case under any scheme that it has

available for the benefit and welfare of Advocates enrolled with them and submit a report before us.

We note that we are making this direction despite the petitioner's opposition to the making of this direction today.

Such report shall be placed by the Secretary, Delhi Bar Council within one week from today given the urgency of the matter.

6. List for this purpose alone on 16th May, 2013.

7. This direction is being made suo moto and is without prejudice to any prayer that the petitioner may have made in any application filed so far.

8. So far as the main matter is concerned, the same shall be listed and taken up after consideration of the petitioner's application for recusal, as and when she chooses to file.

Dasti under signatures of the Court Master.

GITA MITTAL, J

DEEPA SHARMA, J"

Order dated 16.5.2013

"1. Pursuant to our order dated 1st May, 2013, Mr. Rajesh Jatain, Advocate appears on behalf of Mr. Murrari Tiwari, Secretary of Delhi Bar Council and prays for time to place the report with regard to our query recorded in the order dated 1st May, 2013. The same shall be positively placed before us within one week from today.

2. On the 18th of April, 2013, a direction had been issued to the Commissioner of Police, Police Headquarters, New Delhi to ensure that adequate steps are taken to secure the life and property of the petitioner. We have not received any report with regard to the compliance of our said order till date.

3. A direction is issued to Mr. Dayan Krishnan, Additional Standing Counsel (Criminal) of the Government of NCT of Delhi to appear in this matter and place compliance report of the

directions made by us on the 18th of April, 2013 within one week from today. The Registry shall list the report as soon as it is received.

4. An objection is taken by Mr. N. Ganpathy, learned counsel appearing for respondents no.1,6 and 7 to the effect that inasmuch as the contempt has been issued to the petitioner, she has first to purge herself from contempt before she can address this Court. This aspect of the matter would be examined when the writ petition is taken up for hearing.

CM No.6096/2013

1. This application has been placed before us today. The application runs into 192 pages. The petitioner submits that she has made detailed averments of the reasons, premised whereon, she calls upon this Bench (both members) to recuse ourselves from hearing the writ petition. Before passing orders on this application, it is necessary to examine the averments made therein which is not possible within the available time.

2. So far as service of copy of this application on the parties in this writ petition is concerned, the petitioner submits that she has e-mailed a copy of this application to all parties/lawyers and has filed proof thereof on record.

3. Our attention has been drawn to internal pages 186 to 192 (at page 7087 to 7093 of the paper book) of the record which would show that the application appears to have been sent to not only the respondents but several other persons and authorities. The petitioner submits that in view of her apprehension and the averments regarding ongoing attempts to eliminate her, she has applied for asylum and protection to the United States of America, China and Switzerland and has therefore sent copy of this application to authorities in these three countries as well as their embassies. She states that she sends copy of every pleading in the case to these countries. She further states that she sends all e-mails in this matter to the media, members of media, embassies and several persons she deems necessary as well as the respondents.

Without going to the propriety of the action of the petitioner in first sending copies of pleadings being filed in the court to the media as well as the every other authority/person detailed at pages 7087 to

7093 of the paper book, we grant liberty to the respondents to file response to this application, if any, within one week from today.

4. The petitioner objects to grant of time to the respondents to file reply on the ground that they have no locus so far as this application is concerned. A perusal of the application would show that serious allegations have been made by the petitioner against the parties to this case as well as against the police in the application and as such they would be entitled to respond to the allegations made against them in this application respectively.

5. Given the averments made in this application and the nature of allegations made by the petitioner, we appoint Mr. Arvind Nigam, Advocate as amicus curiae to assist us in this matter.

4. The Registry shall ensure that complete paper book including copies of order sheets are made available to amicus curiae before the next date of hearing.

List on 18th July, 2013.

GITA MITTAL, J

DEEPA SHARMA, J”

Order dated 31.5.2013

“CM No.7197/2013

1. Issue notice to the non-applicants, returnable on the date fixed.

Counsels for the non-applicants who are present in court today, accept notice.

2. At this stage, the petitioner points out that before commencing her submissions on this application, she had sought recusal by this court from the present matter.

3. It may be noted that the petitioner has filed an application in this regard being CM No.6096/2013 on which the following order was recorded on 16th May, 2013:-

“CM No.6096/2013

1. This application has been placed before us today. The application runs into 192 pages. The petitioner submits that she has made detailed averments of the reasons, premised whereon, she calls upon this Bench (both members) to recuse ourselves from hearing the writ petition. Before passing orders on this application, it is necessary to examine the averments made therein which is not possible within the available time.

2. So far as service of copy of this application on the parties in this writ petition is concerned, the petitioner submits that she has e- mailed a copy of this application to all parties/lawyers and has filed proof thereof on record.

3. Our attention has been drawn to internal pages 186 to 192 (at page 7087 to 7093 of the paper book) of the record which would show that the application appears to have been sent to not only the respondents but several other persons and authorities. The petitioner submits that in view of her apprehension and the averments regarding ongoing attempts to eliminate her, she has applied for asylum and protection to the United States of America, China and Switzerland and has therefore sent copy of this application to authorities in these three countries as well as their embassies. She states that she sends copy of every pleading in the case to these countries. She further states that she sends all e-mails in this matter to the media, members of media, embassies and several persons she deems necessary as well as the respondents. Without going to the propriety of the action of the petitioner in first sending copies of pleadings being filed in the court to the media as well as the every other authority/person detailed at pages 7087 to 7093 of the paper book, we grant liberty to the respondents to file response to this application, if any, within one week from today.

4. The petitioner objects to grant of time to the respondents to file reply on the ground that they have no locus so far as this application is concerned. A perusal of the application would show that serious allegations have been made by the petitioner against the parties to this case as well as against the police in the application and as such they would be entitled to respond to the allegations made against them in this application respectively.

5. Given the averments made in this application and the nature of allegations made by the petitioner, we appoint Mr. Arvind Nigam, Advocate as amicus curiae to assist us in this matter.

4. The Registry shall ensure that complete paper book including copies of order sheets are made available to amicus curiae before the next date of hearing.

List on 18th July, 2013.”

4. It may be noted that this application runs into 192 pages and is yet to be heard. Certainly recusal cannot be directed at the mere asking of the parties especially when she has opted to make an application running into so many pages.

5. The petitioner makes a submission that she presses for recusal by this court (which application is to be heard on 18th of July, 2013) before any orders are passed on the present application. In view of this submission, we hereby recall our order issuing the notice thereon. List this application consequently after consideration of the application for recusal.

6. **It is submitted by Mr.Rajeeve Mehra, Ierned ASG that the tender in respect of which the main writ petition was filed, stands cancelled and the entire process has re-started from the beginning.**

7. The petitioner would also therefore have to show as to how the prayer in the present application would be covered in the prayers made in this writ petition.

List this application on 18th of July, 2013.

Status report dated 22nd May, 2013 filed by the Delhi Police

8. Given the allegations which are made by the petitioner with regard to the threat to her life and liberty, we were inclined to take up the subject matter of the Status Report in camera proceedings. The petitioner has vehemently objected to this and has insisted that the status report be considered in open court. Our concern was resting largely on the revelation of the petitioner’s address or location or discussion of her security measures in open court to the

public at large. Given the objections of the petitioner, the report is therefore taken up in open court.

9. The petitioner submits that she wishes to file a reply to the status report. The same may be filed within six weeks from today. The Delhi Police is at liberty to respond to the reply filed by the petitioner.

10. In the meantime, given the request by the South-East district of the Delhi Police in this report, it is directed that in case the petitioner is required to be protected in the South-East district, Navjyoti Development Society, an NGO, shall assist the Delhi Police (South-East district)

11. We may note that the petitioner insists that because of threat and attempts to murder made on her by the police of South-East district, she is not going within the boundaries of the South-East district.

12. Despite repeated queries from the court as to the position where she would require to be protected, she is not willing to give an answer.

List this report for consideration on 18th July, 2013

13. The Delhi Police shall ensure compliance of the directions made by us by the order dated 18th April, 2013.

Dasti to parties.

GITA MITTAL, J

DEEPA SHARMA, J”

Order dated 18.7.2013

“1. Status report dated 18th July, 2013 has been filed by Mr. Dayan Krishnan, learned Additional Standing Counsel for Delhi Police in sealed cover in the court today. Copy of the same has been handed over to the petitioner.

The petitioner has objected to the report being kept in sealed cover. The sealed cover is accordingly opened in the court and the Status Report dated 18th July, 2013 is taken on record.

2. Amongst several others, the petitioner levels the following allegations against the Delhi Police:-

(i) The petitioner lived in 'Ginger Hotel' at Vivek Vihar, Delhi for fifteen days till the Police started poisoning her in connivance with the Hotel staff, GE and State using chemicals and pesticides. As a result, she was forced to leave 'Ginger Hotel' and resumed living in her car.

(ii) The General Electric Company, the State, the Police are in a conspiracy to murder her and that several efforts in this regard have been made.

(iii) They would use an NGO to physically overpower her or render her unconscious with an intention to physically harm her. To support her contention, the petitioner submits that one night, when she was sleeping in her car, three unknown persons of an NGO approached her and asked several questions from her. This NGO claimed that they were working for the welfare of homeless people.

(iv) The petitioner submits that the above NGO was acting in collusion with her conspirators who are trying to harm her by giving her harmful drugs for the past many months. She states that she was made to consume harmful drugs when she was working with the GE.

(v) From July, 2010 to 2011, there were several attempts to poison her. Therefore, she eats only such food as is displayed in open counters. She does not consume any food which has to be cooked in a place out of her sight or food which can be tampered with.

(vi) In answer to a court query, the petitioner submits that she has had no contact with her family members

since the year 2011 as her parents and family were threatened to be killed if they help her.

(vii) In answer to another court query, the petitioner states that she does not want to reside with her parents and family as she apprehends danger to her life from them and that as far as she is concerned her family is dead.

(viii) In answer to a court query the petitioner states that she can afford rented accommodation but apprehends danger to her life from the above authorities/persons in such premises and therefore she expressed her inability to rent a permanent accommodation.

(ix) The petitioner retracts from the statement when the same is being dictated in the court. She submits that she is not hiring a room because nobody rents a room to her in view of the allegations levelled against her by the State and Delhi Police

3. The petitioner makes a request to file additional written submissions in respect of the Status report filed today in court by Mr. Dayan Krishnan, learned additional Standing Counsel for Delhi Police.

4. Mr. Dayan Krishnan, learned Additional Standing Counsel for Delhi Police submits that the allegations made by the petitioner are not accepted and disputed by the police. Ms. Seema Sapra submits that she has objections to Mr. Dayan Krishnan appearing in the matter on the ground that he is close to Mr. Gopal Subramaniam, Sr. Advocate, who is close to Mr. Montek Singh Ahluwalia against whom also she has made allegations.

5. We find that the petitioner makes allegations about serious apprehensions against every person who has been or is involved in any capacity in this case. We have merely noted the petitioner's submissions without expressing any view thereon.

6. Mr. Dayan Krishnan, learned Additional Standing Counsel for Delhi Police submits that he is aggrieved by various SMS's being sent at his personal mobile number by the petitioner at odd times.

The petitioner also sends e-mails to him. He seeks time to place these messages on record which are necessary for consideration before passing of any orders.

7. Two of such messages sent to Mr. Krishnan have been read over by the petitioner in the court to us which complain to Mr. Krishnan about nuisance created by the barking of the dogs in the night in Ravinder Nagar area, where the petitioner was sleeping in her car. The petitioner suggests that this was also part of the above noticed conspiracy against her.

8. We are informed by Mr. Dayan Krishnan, learned additional Standing Counsel for Delhi Police that the Delhi Police is ready to provide adequate security to the petitioner but cannot do so as the proper place of residence where the petitioner is putting up is not known/ informed to the police. Therefore, security is being provided by beat constables. The police is best placed to decide in what manner to provide security and may take such steps as are possible in the circumstances to ensure compliance with the court orders.

9. In view of the requests made above by the petitioner, she is permitted to file written submissions/additional affidavit within a period of two weeks from today.

The matter has gone on from 2:30 pm to 3.30 pm.

10. List on 22nd August, 2013.

CM No. 6096/2013

The petitioner submits that she wishes to place additional documents on record. We are informed that Mr. Arvind Nigam, learned Amicus Curiae is unable to appear today as he is on his legs in another matter.

List for consideration on 22nd August, 2013.

GITA MITTAL, J

DEEPA SHARMA, J”

Order dated 22.8.2013

1. We have been forced to rise from the court to dictate this order in view of the conduct of the petitioner herein.

2. When the matter was called out, the petitioner opened by making a request for adjournment to file an application in respect of the second tender called by the respondents. She continued by making submissions on the merits of the writ petition and thereafter proceeded into lodging a personal attack on the court. The petitioner presses for recusal of this Bench from hearing this writ petition.

Several proceedings prior hitherto have been recorded by the court with regard to the conduct of the petitioner before us. Commencing with arguing on merits, she proceeds to level unfounded and baseless allegations against the court. Previous orders (including the orders dated 18th April, 2013, 29th April, 2013, 1st May, 2013, 16th May, 2013, 31st May, 2013 and 18th July, 2013) in this case reflect the anxiety of the petitioner and the apprehension she entertains of danger to her life as well as mala fide against all and sundry.

3. We have borne such conduct with patience, only because of our concern that the petitioner, a highly qualified lawyer, has claimed that she has been rendered homeless and is residing in her car. Such existence has to create pressures and leave an impact on any person. The conduct of the petitioner recorded by us in the previous orders manifest that the petitioner is in dire need of assistance.

We have even ordered police protection for her.

4. It is noteworthy that notice for criminal contempt has been issued against the present petitioner which is subject matter of criminal contempt bearing Cont.Cas.(CrI.)No.3/2012 which was listed prior to the present writ petition today and adjourned to 30th September, 2013. The instant writ petition came to be taken up thereafter.

In this background, we would not like to hear this petition any further.

Subject to orders of Hon'ble the Acting Chief Justice, this writ petition be listed before another Bench.

CM No.6096/2013

5. By way of this application, the petitioner has prayed that this Bench (both of us) recuse itself from hearing the matter. Therefore orders thereon have to be recorded by us.

6. We are compelled to note that even in this application the petitioner has made unfounded and false averments in respect of court proceedings which would invite proceedings under the Contempt of Court Act against her. We have desisted from taking any action for the reasons noted in the order on the writ petition. The application also contains vexatious and scandalous averments which would require to be struck off from the record.

In view of the order recorded on the writ petition, the prayer made in the application is satisfied.

The application is so disposed of.

GITA MITTAL, J

DEEPA SHARMA, J”

Order dated 30.9.2013

“In view of the fact that the Petitioner has expressed lack of confidence in both members of this Bench, list before another Bench subject to orders of Hon'ble the Chief Justice on 7th October, 2013.

We note that the Petitioner has made a request that the present Writ Petition and Contempt Case (Crl.) 3/2012 be listed before different Benches and on different dates. Since we have recused from the case, we have expressed our inability to pass any orders in this regard.

REVA KHETRAPAL, J

V.P.VAISH, J”

Order dated 9.10.2013

“ We have called upon the petitioner to make her submissions but she wants an adjournment as she intends moving an application for transfer of this matter to some other Bench of which one of us (P.K. Bhasin, J.) is not a member.

Renotify on 07th January, 2014.

The petitioner says a short date may be given. However, since the petitioner is not willing to argue the matter we are not inclined to give a short date.

P.K. BHASIN, J

SIDDHARTH MRIDUL, J”

Order dated 11.10.2013

“CM APPL. 14194/2013

We have heard the petitioner appearing in person on this application in which **she has made a prayer that both of us should recuse from this matter and it be heard by another Bench. She has also submitted that since so many Judges have refused to hear this matter the Chief Justice should be directed to send this petition to the Hon’ble Supreme Court.**

After going through the averments made in this application as well as the previous orders passed in this petition by different Benches from day one refusing to hear the matter we feel that this application is highly frivolous and vexatious and the same is, therefore, dismissed.

P.K. BHASIN, J

SIDDHARTH MRIDUL, J”

Order dated 8.1.2014

“The matter has been taken up today as 7th January, 2014 was a Court holiday.

Part submissions have been made by the petitioner. Due to paucity of time, renotify on 10th January, 2014 for continuation of hearing.

Today the petitioner had objected to the appearance and authority of Mr. N. Ganpathy, Mr. R.N. Singh and Mr. R.V. Sinha, advocates to represent the parties for whom they are appearing. We shall consider this objection at an appropriate stage.

P.K. BHASIN, J

SIDDHARTH MRIDUL, J"

Order dated 10.1.2014

"Today, at the outset, the petitioner made a submission for adjourning the matter as she has made a request to the Chief Justice of India as well as to the Chief Justice of this Court for transfer of this writ petition to the Hon'ble Supreme Court for hearing. We, however, rejected the request for adjournment. So the petitioner has made further submissions in the matter. Due to paucity of time matter is adjourned to 24th January, 2014 for further submission.

Today Mr. Dayan Krishnan, learned counsel for the Delhi Police submitted that on an independent assessment of the situation the police has come to the conclusion that there is no immediate threat perception to the petitioner as she has been projecting every now and then and therefore, now it should be left to the discretion of the police authorities as to whether any protection is to be provided to her or not depending upon the inputs which the police may get. The petitioner strongly refutes this submission. Considering all the facts and circumstances we are not inclined to withdraw our earlier orders directing the police to extend full protection to the life and liberty of the petitioner till further orders of this Court.

P.K. BHASIN, J

SIDDHARTH MRIDUL, J"

Order dated 24.1.2014

“List the matter before another Bench of which one of us (P.K.Bhasin, J) is not a member, after obtaining orders of Hon’ble the Chief Justice, on 28th January, 2014.

P.K. BHASIN, J

SIDDHARTH MRIDUL, J”

Order dated 28.1.2014

“List the matter before some other Bench, subject to order of Hon’ble the Chief Justice, on 30th January, 2014.

KAILASH GAMBHIR, J

SUNITA GUPTA, J”

Order dated 30.01.2014

“The petitioner, who appears in person, prays that the matter be not taken up by this Division Bench, and that she has written to Hon’ble the Chief Justice of this Court in this regard.

We are not inclined to entertain this oral prayer. Of course, it would be open to the petitioner to take such recourse, including moving a formal application, if she is so advised.

Ms. Sapra now states that she intends to move an application.

If and when such an application is moved, the same shall be considered.

The petitioner requests for an adjournment to do the needful, and also desires that the matter be posted for 03.02.2014.

Any application moved be listed as per Rules, if otherwise in order.

List on 11th February, 2014.

SUDERSHAN KUMAR MISRA, J

SURESH KAIT, J”

Order dated 07.3.2014

List this matter before another Bench of which one of us (Suresh Kait, J.) is not a member, after obtaining orders of Hon’ble the Acting Chief Justice on 14th March, 2014.

It has been pointed out by the petitioner, who appears in person, that the appearance of Mr. Arvind Nigam, Senior Advocate, as the Amicus Curiae, appears to have been erroneously recorded in this matter since he has been appointed as Amicus Curiae only in the Crl. Cont. Pet. No.03/2012. This appears to be correct, and the error stands corrected.

Since there appears to be some confusion regarding the appearance being recorded on behalf of all parties, the Court Master and the Registry shall ensure that before any appearance is recorded, the Memo of Appearance or Vakalatnama of the Advocate concerned is on the record.

SUDERSHAN KUMAR MISRA, J.

SURESH KAIT, J.”

Order dated 25.3.2014

“The petitioner has handed over copies of certain emails, which she states, have been circulated by her. She states that she shall be filing copies of the same supported by an affidavit, in the Registry.

We have heard the petitioner from 3.45 p.m. to 5.04 p.m.

Re-notify on 27th March, 2014 at 3:30 PM.

SUDERSHAN KUMAR MISRA, J

S.P. GARG, J”

Order dated 27.3.2014

“We have heard the petitioner from 3:32 PM to 4:48 PM.

Re-notify on 1st April, 2014 at 3.30 PM.

SUDERSHAN KUMAR MISRA, J

S.P. GARG, J”

Order dated 01.4.2014

“We have heard the petitioner from 3:33 PM to 5:05 PM.

Re-notify on 03.04.2014 at 3.30 PM.

SUDERSHAN KUMAR MISRA, J

S.P. GARG, J”

Order dated 22.4.2014

“Today the petitioner, who appears in person, states as follows:

“I have claimed a grave threat to my life from the State including the police. I have informed this Court in writing that since January 2014 I have been sleeping in my car outside Gate No.8 of the Delhi High Court. I have also been informing this Court in writing and through affidavits filed in this matter that the police has failed to comply with the protection orders issued by this Court; and that I am not only being harassed and targeted with police complicity during the night but I am also being poisoned by deliberate exposure to toxic chemical, including nerve agents and organophosphates, during the night. I fear for my life. I have been waking up breathless during the night on account of such poisoning, and I apprehend that if this continues, it will result in cessation of breathing and will cause death; and I further apprehend that the police

will then be used to cover up such murder. I have been making police complaints about these incidents since January 2014 in writing but the police has failed to even respond to these complaints. In view of this, I am making an oral request to this Hon?ble Court that it issue the directions to the Registrar General of this Court; to the Delhi Police Commissioner; and to the local SHO; to ensure that the CCTV security camera recordings maintained both by the Court and by the police in the area where I am parking my car at night and along the roads leading to that spot; be preserved, because this will be valuable evidence in support of my complaints to the police. I have been informed by the Delhi Police security that such recordings are normally preserved only for a month. I am, therefore, seeking directions from this Court that these recordings be preserved for longer than that until my complaints are addressed and investigated. I am also submitting that such an order will also result in providing me some measure of protection because those harming me, including the police, will get the message that the evidence of what is going on around my car during the night is being preserved pursuant to the directions of this Court. This is my request orally.

Further, I have also requested the Hon?ble Court to direct the Registrar General to preserve CCTV footage from the three court lobbies today because I noticed that a policeman was instructing two other policemen to target me; and CCTV footage might provide evidence of contact between the General Electric lawyers and those policemen. Further, one Sub Inspector Umed Singh from Police Station Nizamuddin, who is present in Court, was also seen by me speaking with General Electric lawyers outside the Court.”

We have recorded the above verbatim so that there may be no doubt about the submissions of the petitioner, who also happens to be a qualified and practicing Advocate registered at the Bar.

This matter has been pending for some time. There is extensive controversy raised by the petitioner on almost every aspect of the matter. Apparently, she is also making serious allegations against the respondents including the Police Authorities to the extent of alleging a deliberate intent to murder her in a premeditated conspiracy.

Under the circumstances, it is open to the petitioner to file an appropriate application seeking specific reliefs so that an appropriate response can also be obtained from the concerned respondents on every allegation made by the petitioner. As and when such an application is moved, the same shall be duly considered by this Court.

We have now invited the petitioner to continue where she left off on the previous date of hearing.

We have heard the petitioner from 3:50 PM to 5:31 PM.

Re-notify on 24.04.2014 at 3:30 PM.

SUDERSHAN KUMAR MISRA, J

S.P. GARG, J”

Order dated 24.4.2014

“List this matter before some other Bench, subject to order of Hon’ble the Chief Justice, on 29.04.2014.

SUDERSHAN KUMAR MISRA, J

S.P. GARG, J”

Order dated 29.4.2014

“Subject to orders of the Hon’ble the Chief Justice, place this matter before another Bench on 6th May, 2014.

V.K.SHALI, J

G.P.MITTAL, J”

Order dated 06.5.2014

“List this matter before some other Bench (of which neither of us is a member) on 8th May 2014 subject to order of Hon’ble the Chief Justice.

S.MURALIDHAR, J

VIBHU BAKHRU, J”

Order dated 08.5.2014

“List the matter before another Bench, of which one of us (V.KAMESWAR RAO, J.) is not a member, subject to and after obtaining orders from Hon’ble the Chief Justice, on 15.5.2015.

G.S.SISTANI, J

V.KAMESWAR RAO, J”

Order dated 20.11.2014

“We may note that Mr.Om Prakash, learned counsel appearing on behalf of Ministry of Railways, has raised a strong objection with regard to circulation of emails by the petitioner concerning the Railway Minister. Mr.Prakash submits that the platform of the High Court is being used by the petitioner, which is evident upon reading of the first page of the email, which refers to the present petition (W.P.(C)1280/2012), wherein she refers herself to be a whistleblower. Mr.Prakash next submits that the petitioner should be restrained from making such scandalous emails against the persons by referring to the writ petition, which is pending and has become infructuous (which is disputed by Ms.Sapra). Mr.Prakash also submits that as many as twenty six Judges have recused from hearing this matter for one reason or the other or on account of the emails being addressed by the petitioner with respect to them. Ms.Sapra submits that the Judges have recused not because of her but for valid reasons.

Ms.Sapra submits that as a citizen she has the right to make a complaint against the Railway Minister or any other person in case there is evidence of corruption.

The submissions made by Mr.Om Prakash, counsel for the respondent/Ministry of Railways, shall be considered on the next date of hearing.

Ms.Sapra also informs the Court that she has filed an application in the Registry, which is likely to be listed on 24.11.2014, in which she has again requested this Bench to recuse from hearing this matter, besides the prayers of Z+ security and for safe housing, as she is a witness and a whistleblower.

It may be noted that like all the previous orders this order has also been read out to Ms.Sapra in Court in the presence of other counsel.

List on 24.11.2014.

G.S.SISTANI, J

A.K.PATHAK, J”

Order dated 01.12.2014

“Repeated requests have been made to the Bench for recusal on various grounds including that the petitioner has no faith in this Bench. Three fresh applications have been filed, various directions have been ought including that the matter may be placed before Hon?ble the Chief Justice for seeking a direction to list this matter before another Bench for day to day hearing.

Ms. Sapra wants to produce a notification of the High Court to show that the recusal application can only be made before the Judge concerned whose recusal is sought.

List on 2nd December, 2014.

G.S.SISTANI, J

A.K. PATHAK, J”

Order dated 02.12.2014

“ Having regard to the fact that the petitioner has been repeatedly stating that she has no faith in this Court and taking into consideration the nature of emails, which have been circulated by the petitioner wherein incorrect statements have been attributed to the Bench, we feel, in the fitness of things, not to hear this matter. Accordingly, we recuse ourselves from hearing this matter.

List this matter on 10.12.2014 before another Bench subject to and after obtaining Orders from Hon'ble the Chief Justice.

G.S.SISTANI, J

A.K. PATHAK, J”

Order dated 16.1.2015

Petitioner submits that she has no faith in this Bench.

List the matter before another Bench, subject to the order of Hon'ble the Chief Justice, on 19th January, 2015.

PRATIBHA RANI, J

JAYANT NATH, J”

Order dated 19.1.2015

“Petitioner has been heard with respect to the writ petition and its prayers. Thus part arguments have been heard.

To come up for further arguments tomorrow i.e 20.1.2015 at 3.30 PM.

VALMIKI J. MEHTA, J

P.S. TEJI, J”

Order dated 20.1.2015

“We have heard the petitioner further.

List for further arguments on behalf of the petitioner on 22nd January, 2015 at 3.30 P.M.

VALMIKI J. MEHTA, J

P.S. TEJI, J”

Order dated 22.1.2015

1. We heard the petitioner for one hour on 19.1.2015. We also thereafter heard the petitioner for one hour on 20.1.2015. We have also heard the petitioner today for one hour. Petitioner on the earlier dates and today has argued her case not only the writ petition, but she has prayed that various applications which have been filed by her be taken up and decided. Petitioner especially presses the application with respect to non-entitlement to representation of the lawyers of the respondent nos.1,6 and 7.

2. In our opinion, whatever are the orders which we have to pass whether on the writ petition which is being heard or on the applications with respect to which the petitioner seeks hearing and seeks issuance of notice, cannot go on interminably in a case such as the present. We therefore order that the petitioner should complete her arguments on the next date i.e on 29th January, 2015 when the matter is fixed at 3.00 P.M.

At this stage, petitioner states that she is not available on 29.1.2015, and therefore this case is listed on 3rd February, 2015 at 3.00 P.M. for remaining arguments of the petitioner.

VALMIKI J. MEHTA, J

P.S. TEJI, J”

Order dated 03.2.2015

1. The petitioner states that she has moved an application for transfer of this case because she has no faith in this Bench, however in our opinion we are not bound to recuse ourselves as prayed by the petitioner. It is noted, and which is seen from the perusal of the record of this case, that twenty eight Judges of this Court have recused from hearing this matter on account of similar stance of the petitioner before those Benches, and against which Benches the petitioner has made uncalled for remarks and allegations. There are over two dozen order sheets of different Benches of this Court in this case which show that inspite of hearings being given to the petitioner, running into hours and hours, the petitioner has not concluded her arguments and the case has thus remained pending. A litigant, and a litigant who is a lawyer, cannot in effect seek

change of Benches at her asking. The prayer made for this Bench to recuse is thus rejected.

2. Though the petitioner states that the matter be adjourned because the application which she has filed today praying for transfer of the case from this Court is not on record, we again specifically decline the request, and order that the petitioner should continue with her arguments on merits on the writ petition, and for which purpose this case was fixed today specifically at 3.00 PM vide order dated 22.1.2015.

3. Once again in spite of the repeated directions to the petitioner to commence her remaining arguments on merits, the petitioner does not argue the case on merits, and therefore the petitioner is once again requested to commence her arguments on merits in the writ petition.

4. At this stage, the petitioner insists that the orders passed by earlier Benches of this Court be referred to, and reference is particularly invited to the order of a Division Bench of this Court dated 16.1.2013, however, in our opinion, since this Court has commenced the hearing, no earlier order by the Division Bench could or would have obviously made directions with respect to how this can be heard on merits by a subsequent Bench. The petitioner is once again directed to commence her arguments on merits in the writ petition.

5. Petitioner has now commenced her arguments in the writ petition.

6. Petitioner has been heard till 4.30 PM.

7. Petitioner states that she has not completed her arguments and she would need at the very least around 15 to 20 more hearings to complete her arguments, and even probably many more. We find this unacceptable in a case like this and especially in view of the earlier orders of this Court and particularly the last order dated 22.1.2015.

8. Judgment reserved.

VALMIKI J. MEHTA, J

16. A reading of the aforesaid orders shows that petitioner has been unnecessarily and deliberately prolonging the matter without any valid reason. The fact of the matter is that the petitioner basically does not want the case to come to an end. The action of the petitioner has caused gross wastage of judicial time. In spite of hearings being granted to the petitioner, petitioner never seems to be satisfied with the hearings given. Endeavors of Benches of this Court to give relief by passing interim orders, though such interim orders really need not have been passed in favour of the petitioner, had made no difference to the petitioner who has continued with her wayward ways of seeking recusal from different Benches and for arguing quite a few irrelevant points. The record shows that petitioner was holding on to a rented accommodation and from which ultimately she was evicted by means of judicial process initiated by the landlord and it is possibly for this reason one of her prayers was ‘re-location to a safe house’. Petitioner has made wild and baseless allegations against her neighbours of they trying to poison her and similarly against Max and Apollo Hospitals for allegedly giving false reports and trying to poison her. Petitioner has also made false and repeated allegations against the police of trying to kill her. The indiscipline of the

petitioner therefore actually knows no bounds and the present petition therefore does not deserve any consideration by this Court on merits with respect to the writ petition on account of complete failure of the petitioner in exhibiting a *bonafide* conduct expected of a petitioner in a PIL.

17. It is also relevant at this stage to state that after the 2010 tenders were cancelled, petitioner has sought to desperately continue the writ petition by even questioning the subsequent tender process initiated by the Railways by filing CM No. 7197/2013, and which CM was nothing but rehash of existing allegations which were made in the writ petition of alleged forgery and corruption and tenders being floated with terms to suit G.E. Petitioner cannot be allowed to expand the scope of the writ petition beyond the causes of action pleaded in the writ petition, much less by filing additional affidavits and interim applications.

18. Let us at this stage refer to headings and reliefs of some of the applications filed by the petitioner to show the total lack of responsibility on the part of the petitioner and total frivolousness in moving the applications.

CM No. 326/2013

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE FOR CLARIFICATION OF WHY, ON WHAT BASIS AND UNDER WHOSE DIRECTIONS THE PETITIONER WAS ASKED TO LEAVE JUSTICE RAJIV SHAKDHER’S COURT (COURT ROOM NO 7 OF THE DELHI HIGH COURT) ON NOVEMBER 26,2012 IN GROSS VIOLATION OF HER RIGHTS AS AN ADVOCATE ENROLLED WITH THE BAR COUNCIL OF DELHI AND SEEKING AN INQUIRY INTO THIS EXTRA-JUDICIAL AND UNLAWFUL ACTION AND SEEKING THE RECUSAL OF JUSTICE RAJIV SHAKDHER FROM CIVIL WRIT PETITION 1280 OF 2012”

Prayer Clause

“It is therefore most respectfully prayed that this Hon’ble Court may be pleased to:

- (a) Clarify why, for what reason, on what basis and under whose directions was the petitioner compelled to leave justice Rajiv Shakdher’s court on November 26, 2012 when the Petitioner had not done anything wrong that would call for such action;
- (b) Order an inquiry into the intimidation and harassment of this petitioner on November 26, 2012 when she was asked by police security to leave court room no.7 on the instructions of the court-master;
- (c) Transfer this matter from Justice Rajiv Shakdher and place Civil Writ Petition 1280 of 2012 before another bench;
- (d) Pass such other and further orders as this Hon’ble Court may deem fit and proper.”

CM No.428/2013

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE FOR APPROPRIATE ORDERS IN CONNECTION WITH THE CONSPIRACY AND ATTEMPT

TO MURDER THE PETITIONER ON FEBRUARY 17,2012
ALONG WITH AFFIDAVIT

Prayer Clause

“It is therefore most respectfully prayed that this Hon’ble Court may be pleased to:

“(a) Issue notice to the Medical Councils of Delhi and India and direct them to take cognizance of the petitioner’s complaint against Dr K G S Bansal that he was party to a conspiracy and attempt to murder the petitioner on February 17,2012;

(b) Direct the State respondents to investigate and prosecute the petitioner’s complaint regarding the attempt to murder her on February 17, 2012;

(c) Pass such other and further orders as this Hon’ble Court may deem fit and proper.”

CM No.2477/2013

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE SEEKING DIRECTIONS TO THE UNION OF INDIA THROUGH THE PMO (RESPONDENT 5) TO CONSTITUTE A COMPLAINTS COMMITTEE [IN ACCORDANCE WITH THE SUPREME COURT DECISIONS IN VISHAKA AND OTHERS VS STATE OF RAJASTHAN AND OTHERS (JT 1997 (7) SC 384) AND MEDHA LELE] TO INVESTIGATE THE COMPLAINT OF THE PETITIONER OF SEXUAL HARASSMENT IN 2001 AT THE HANDS OF MR. SOLI J. SORABJEE WHEN HE WAS ATTORNEY GENERAL OF INDIA AND THE PETITIONER WAS A YOUNG LAWYER WORKING HIS CHAMBERS AS HIS JUNIOR.”

Prayer Clause

“It is therefore most respectfully prayed that this Hon’ble Court may be pleased to:

(a) Direct the Government of India (Respondent no.5 herein) to act on the Petitioner’s complaint forwarded to the President and Prime Minister of India by email dated February 12,2013 and to constitute a high level complaints committee in accordance with

the Supreme Court's directions in Vishaka & Others v. State of Rajasthan & Others and in Medha Kotwal Lele and Others v. Union of India and Others to redress the petitioner's complaint of sexual harassment against Mr. Soli j Sorabjee, when the latter held the constitutional post of Attorney General of India;

(b) Pass such other and further orders as this Hon'ble Court may deem fit and proper."

CM No. 5007/2013

Heading

"AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE SEEKING URGENT DIRECTIONS FROM THE COURT FOR CRIMINAL PROSECUTION OF MR K JAYANAND, (HIS ACCOMPLICES AND CO-CONSPIRATORS), GENERAL ELECTRIC COMPANY, GE INDIA INDUSTRIAL PRIVATE LIMITED, AND OF THE PRINCIPAL CORPORATE OFFICERS OF GENERAL ELECTRIC COMPANY AND GE INDIA INDUSTRIAL PRIVATE LIMITED (MR JEFFREY IMMELT, MR. JOHN FLANNERY AND MR BANMALI AGRAWALA) FOR COMMISSION OF THE OFFENCE OF MAKING A FALSE POLICE COMPLAINT UNDER SECTION 182 OF THE INDIAN PENAL CODE; FOR COMMISSION OF THE CRIMINAL OFFENCE OF INTIMIDATION OF A WITNESS WITH INTENT TO OBSTRUCT HER FROM PURSUING THESE LEGAL PROCEEDINGS AND TO OBSTRUCT HER FROM DEPOSING ABOUT THE COMMISSION OF CRIMINAL OFFENCES BY GENERAL ELECTRIC EXECUTIVES, LAWYERS AND EMPLOYEES; AND FOR CRIMINAL CONTEMPT OF COURT IN ATTEMPTING TO OBSTRUCT AND SUBVERT THESE WRIT PROCEEDINGS"

Prayer Clause

"It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

(A) Issue directions for the criminal prosecution of Mr K Jayanand, (his accomplices and co-conspirators), General Electric Company, GE India Industrial Private Limited, and of the

responsible principal corporate officers of General Electric Company and GE India Industrial Private Limited (Mr Jeffrey Immelt, Mr John Flannery and Mr Banmali Agrawala) for commission of the criminal offences of making a false police complaint under section 182 of the Indian Penal Code by knowingly furnishing false information to the police with intent to use the police power to cause harm and injury to the petitioner-whistleblower;

(B) Issue directions for the criminal prosecution of Mr K Jayanand, (his accomplices and co-conspirators), General Electric Company, GE India Industrial Private Limited, and of the responsible principal corporate officers of General Electric Company and GE India Industrial Private Limited (Mr Jeffrey Immelt, Mr John Flannery and Mr Banmali Agrawala) for commission of the criminal offences of intimidation of a witness with intent to obstruct her from pursuing these legal proceedings and to obstruct her from deposing about the commission of criminal offences by General Electric executives, lawyers and employees;

(C) Issue notice to Mr K Jayanand, (his accomplices and co-conspirators), General Electric Company, GE India Industrial Private Limited, and of the responsible principle corporate officers of General Electric Company and GE India Industrial Private Limited (Mr Jeffrey Immelt, Mr John Flannery and Mr Banmali Agrawala) for criminal contempt of court in attempting to obstruct and subvert these writ proceedings by making a false police complaint against the petitioner-whistleblower;

(D) Direct the Delhi High Court Registry to place the letter received from Mr K Jayanand on 4 March 2013 and the two letters received from the Petitoiner on 13 and 15 March, 2013 in the pleadings folders of the court file where these documents can be inspected by all parties;

(E) Pass such other and further orders as this Hon'ble Court may deem fit and proper.”

CM No. 5008/2013

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL, PROCEDURE CODE SEEKING URGENT DIRECTIONS FOR AN INVESTIGATION INTO THE CONSPIRACY AND ATTEMPT TO MURDER THE PETITIONER – WHISTLEBLOWER IN JUNE, JULY, AUGUST AND SEPTEMBER 2011 WITH THE USE OF MEDICAL DOCTORS FROM APOLLO HOSPITAL AND FROM MAX HEALTHCARE GURGAON AND MAX HEALTHCARE SAKET HOSPITALS AND SEEKING IMMEDIATE RETURN OF ALL HER MEDICAL RECORDS (AND OTHER BELONGINGS) UNLAWFULLY REMOVED IN HER ABSENCE FROM HER RENTED RESIDENCE IN JANGPURA EXTENSION ON 30 MAY 2012 WITH POLICE PARTICIPATION”

Prayer Clause

“It is therefore most respectfully prayed that this Hon’ble Court may be pleased to:

(A) Issue notice to the Medical Council of India and to the Medical Council of Delhi both in the writ petition and in this application, and direct them to take cognizance of the Petitioner’s complaints that in June, July, August, and September 2011, the following hospitals and doctors participated in the conspiracy and attempts to murder/eliminate the petitioner (a whistleblower) as described hereinabove

Apollo Hospital, Delhi

- (i) Dr. Alok Aggarwal
- (ii) Dr Hariharan
- (iii) Dr Nalin Nag
- (iv) Dr P K Ghosh

Max Gurgaon and Max Saket Hospitals

- (i) Dr Sushum Sharma
- (ii) Dr S K Das/ Dass
- (iii) Dr Ashish Jain
- (iv) Dr Nevin Kishore

- (v) Dr Sandeep Budhiraja
- (vi) Dr Debajyoti Chaudhuri
- (vii) Dr Nisha Dabas
- (viii) Dr Anupam Goel
- (ix) Dr Akshay Shukla
- (x) Dr Manoj Sharma
- (xi) Dr Mohan Bhargava
- (xii) Doctors who attended to petitioner in Max Saket emergency on 12 August 2011
- (xiii) Dr Alka Ashmita Singhal
- (xiv) Dr Varun Katyal
- (xv) Dr Sonali Vatsa

(B) Direct the cancellation of the medical licences of the following hospitals and the disbarment from medical practice of the following doctors

Apollo Hospital, Delhi

- (i) Dr Alok Aggarwal
- (ii) Dr Hariharan
- (iii) Dr Nalin Nag
- (iv) Dr P K Ghosh

Max Gurgaon and Max Saket Hospitals

- (i) Dr Sushum Sharma
- (ii) Dr S K Das/ Dass
- (iii) Dr Ashish Jain
- (iv) Dr Nevin Kishore
- (v) Dr Sandeep Budhiraja
- (vi) Dr Debajyoti Chaudhuri

- (vii) Dr Nisha Dabas
- (viii) Dr Anupam Goel
- (ix) Dr Akshay Shukla
- (x) Dr Manoj Sharma
- (xi) Dr Mohan Bhargava
- (xii) Doctors who attended to petitioner in Max Saket emergency on 12 August 2011
- (xiii) Dr Alka Ashmita Singhal
- (xiv) Dr Varun Katyal
- (xv) Dr Sonali Vatsa

(C) Direct the State respondents and other appropriate authorities to investigate and prosecute the following doctors and their accomplices (including other un-named doctors and hospital administrators) for conspiracy and attempt to murder/ eliminate the petitioner (a whistleblower who has exposed General Electric corruption)

Apollo Hospital, Delhi

- (i) Dr Alok Aggarwal
- (ii) Dr Hariharan
- (iii) Dr Nalin Nag
- (iv) Dr P K Ghosh

Max Gurgaon and Max Saket Hospitals

- (i) Dr Sushum Sharma
- (ii) Dr S K Das/ Dass
- (iii) Dr Ashish Jain
- (iv) Dr Nevin Kishore
- (v) Dr Sandeep Budhiraja
- (vi) Dr Debajyoti Chaudhuri

- (vii) Dr Nisha Dabas
- (viii) Dr Anupam Goel
- (ix) Dr Akshay Shukla
- (x) Dr Manoj Bhargava
- (xi) Dr Mohan Bhargava
- (xii) Doctors who attended to petitioner in Max Saket emergency on 12 August 2011
- (xiii) Dr Alka Ashmita Singhal
- (xiv) Dr Varun Katyal
- (xv) Dr Sonali Vatsa

(D) Direct the Delhi Police and Union of India to arrange for the immediate return of the petitioner's medical records (and another belongings) unlawfully removed on 30 May 2012 with police assistance in the petitioner's absence and without prior notice from the rented flat at Jangpura Extension (where the petitioner was then residing);

(E) Pass such other and further orders as this Hon'ble Court may deem fit and proper."

CM No.19473/2014

Heading

"An Application under Section 151, Civil Procedure Code seeking directions that the Government of India through the PMO (respondent 5 herein) ascertain and declare the conflict of interest if any regarding Suresh Prabhu and this writ petition and/ or the Madhepura and Marhowra Projects and tenders; any dealings (financial or otherwise) between Suresh Prabhu, his son or their companies and General Electric Company and/or its affiliates; and declare whether Mr Suresh Prabhu has been made aware of this writ petition and of the full evidence of corruption, fraud, forgery, bribery and illegal lobbying concerning the tenders for the Madhepura and Marhowra Projects; and directions to Advocate Om Prakash to disclose who instructed him to oppose the Petitioner's representations to the President and Prime Minister

against Suresh Prabhu's appointment as Rail Minister; and for issuance of notice of criminal contempt to Advocate Om Prakash for obstruction of court proceedings on 20 November 2014 when he prevented the petitioner from addressing the court by shouting at her and by shouting her down with the specific intent to prevent her from addressing the court and to prevent her from responding to his invalid objections.”

Prayer Clause

“It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) Direct the Government of India through the PMO (respondent 5 herein) to ascertain and declare the conflict of interest if any regarding Suresh Prabhu and this writ petition and/ or the Madhepura and Marhowra Projects and tenders; to ascertain and declare any dealings (financial or otherwise) between Suresh Prabhu, his son or their companies and General Electric Company and/or its affiliates; and to ascertain and declare whether Mr.Suresh Prabhu has been made aware of this writ petition and of the full evidence of corruption, fraud, forgery, bribery and illegal lobbying concerning the tenders for the Madhepura and Marhowra Projects;
- (b) Direct the Government of India through the PMO (respondent 5 herein) to ensure that SureshPrabhu as Railway Ministe rdoes not act unlawfully in connection with the Marhowra and Madhepura locomotive factory Projects and that no attempt is madeto cover up the complaints of corruption, fraud, forgery, bribery, FCPA violations, tender manipulation, and illegal lobbying that are pending against General Electric Company in connection with the Projects and tenders for the proposed diesel and electric locomotive factories at Marhowra and Madhepura;
- (c) Direct Advocate Om Prakash to disclose who instructed him to oppose the Petitioner's representations to the President and Prime Minister against Suresh Prabhu's appointment as Rail Minister;
- (d) Issue notice of criminal contempt to Advocate Om Prakash for obstruction of court proceedings on 20 November 2014 when he prevented the petitioner from addressing the court by shouting at

her and by shouting her down with the specific intent to prevent her from addressing the court and to prevent her from responding to his invalid objections;

(e) Direct the Railway Ministry to replace advocate Om Prakash with a lawyer who will not facilitate the cover-up of the corruption complaints against General Electric and who will not collude with General Electric Company's alleged lawyers to sabotage this writ petition;

(f) Direct that ASG Sanjay Jain who has been instructed to appear in this matter for respondents 4 and 5 (Railway Ministry and the PMO) start assisting the Hon'ble Court and not skip court hearings;

(g) Pass such other and further orders as this Hon'ble Court may deem fit and proper.”

C.M.No.19474/2014

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE SEEKING DIRECTIONS FROM THE COURT IN CONNECTION WITH THE IMMEDIATE AND GRAVE THREAT TO THE LIFE OF THE PETITIONER AND SEEKING DIRECTIONS FOR Z+ SECURITY AS WITNESS/WHISTLEBLOWER AND SEEKING DAY TO DAY HEARING BEFORE A DIFFERENT BENCH AND SEEKING RECOMMENDATION FROM THE HIGH COURT CHIEF JUSTICE TO THE CHIEF JUSTICE OF INDIA THAT THIS MATTER BE TRANSFERRED TO THE SUPREME COURT OF INDIA”

Prayer Clause

“It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Direct the Government of India through the PMO (respondent 5 herein) to immediately provide the petitioner (who is a witness & whistle-blower facing a grave and immediate threat to her life) with Z+ security;

(b) Direct that in view of the grave and immediate threat to the life of the petitioner (who is being poisoned), the captioned matter be listed for hearing day to day starting 24 November 2014 before a Bench not comprising Justice Sistani or Justice Pathak;

(c) Request the Chief Justice of the Delhi High Court to consider this matter and to recommend to the Chief Justice of India that this writ petition be transferred for hearing to the Supreme Court of India in view of the grave and immediate threat to the petitioner/s life;

(d) Direct the Government of India to immediately provide the petitioner with suitable housing where she can be immediately given Z+protection and security;

(e) Pass such other and further orders as this Hon'ble Court may deem fit and proper.”

C.M.No.20069/2014

Heading

“An application under Section 151 CPC seeking directions/ orders for impleadment and issuance of notice to Mr Deepak Verma, retired Judge of the Supreme Court of India (resident of B-4, Geetanjali Enclave, (G.F.) Main Shivalik Road, New Delhi 10017) in connection with certain illegal, unauthorised and fraudulent arbitration proceedings where he is acting as sole arbitrator which have been instituted against the Petitioner by K Radhakrishnan who is impersonating as the authorised signatory of GE India Industrial Private Limited, and seeking an immediate stay of the said arbitration proceedings and a permanent injunction to Mr Deepak Verma to refrain from proceeding with the said unauthorised, illegal and fraudulent arbitration proceedings and from passing any orders against the Petitioner as this arbitration and any order therein will interfere with the administration of justice in this pending corruption whistle-blower petition, will amount to contempt of court, and will amount to intimidation, retaliation against and silencing of a witness-complainant in complaints of corruption, fraud, forgery, bribery, illegal lobbying, tender manipulation and FCPA violations and seeking certain other connected directions/ orders”

Prayer Clause

“It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Declare that the alleged Board Resolutions of respondent 6 (GE India Industrial Private Limited) dated 7May 2012 and dated 17 December 2012 copies of which have been filed in this writ petition and under which K Radhakrishnan claims to be authorised signatory for respondent 6 are fraudulent, forged, invalid and fabricated documents and these documents do not constitute K R Radhakrishnan as the authorised signatory and representative of respondent 6 for this writ petition for any other purpose or proceeding;

(b) Declare that K R Radhakrishnan is not the authorised signatory of GE India Industrial Private Limited (respondent 6) for the purposes of this writ petition or for any other purpose in connection with the Petitioner and that he cannot represent respondent 6 in this matter or in any other matter in connection with the Petitioner or sign court pleadings and/ or affidavits on behalf of this respondent in this matter or in any other matter in connection with the Petitioner;

(c) Direct that K Radhakrishnan be criminally prosecuted for impersonation, fraud, perjury and forgery for falsely holding himself out as the authorised signatory of respondent 6 (GE India Industrial Private Limited) under fabricated and forged board resolutions dated 7 May 2012 and 17 December 2012 in this matter and in the illegal, unauthorised and fraudulent arbitration proceedings initiated before Mr Deepak Verma, retired Judge of the Supreme Court of India;

(d) Issue notice to Mr Deepak Verma, retired Judge of the Supreme Court of India (resident of B-4, Geetanjali Enclave, (G.F.) Main Shivalik Road, New Delhi 110017) and implead him in this writ petition;

(e) Pass orders for an immediate stay of the alleged arbitration proceedings against the Petitioner before Mr Deepak Verma, retired Judge of the Supreme Court of India;

(f) Issue a permanent injunction restraining Mr Deepak Verma, retired Judge of the Supreme Court of India from proceeding with any arbitration proceedings against the Petitioner instituted by the impersonator (K Radhakrishnan) or by GE India Industrial Private Limited or by any other person/ entity and from issuing any award/ orders/ directions against the Petitioner in such proceedings which interferes with or in any manner affects or restricts the constitutional and legal duties/ obligations / rights of the petitioner as complainant, witness, whistleblower, writ petitioner in WP Civil 1280/ 2012 and as an Indian citizen in respect of her complaints (and connected matters) against General Electric Company, the Rail Ministry, Montek Singh Ahluwalia and their co-conspirators/ collaborators about corruption, fraud, forgery, bribery, unlawful lobbying, tender manipulation, FCPA violations, obstruction of justice (in connection with the Rail Projects and tenders for the proposed locomotive factories at Marhowra and Madhepura), and in respect of her complaints about the threat to her life, and about past and ongoing conspiracy and attempts to murder/ eliminate her and her complaints of targeting, retaliation, intimidation, torture, poisoning, destruction of limb etc;

(g) Issue notice of criminal contempt of court to Mr Deepak Verma (retired Judge of the Supreme Court of India), Mr K R Radhakrishnan (GE India), Mr Nanju Ganpathy (AZB), Mr Manpreet Lamba (AZB), Mr Deepak Adlakha (dismissed GE India employee), Mr Jeffrey Immelt (GE), Mr John Flaimery (GE), Mr Banmali Agrawala (GE India), and Tejal Singh (GE India) for interfering with the administration of justice in this writ petition by the institution/ entertaining of the unauthorised, illegal and fraudulent arbitration proceedings which seek to silence/ gag/ intimidate and threaten the petitioner- complainant-witness-whistleblower before this Court;

(h) Direct that Mr Deepak Verma, K Radhakrishnan, Nanju Ganpathy (AZB) and Manpreet Lamba (AZB) be criminally prosecuted for the offence of furnishing false information under Section 177 IPC; the offence of furnishing false statement on oath to a public servant under Section 181 IPC; the offence of furnishing false information, with intent to cause a public servant to use his lawful power to the injury of another person under Section 182 IPC; the offence of threatening the Petitioner with injury to induce her from refraining from applying for protection

to public servant under Section 190 IPC; the offence of giving false evidence under section 191 IPC; the offence of fabricating false evidence under Section 192 and 193 IPC; the offence of threatening the Petitioner to give false evidence under Section 195A IPC; the offence of using evidence known to be false under Section 196 IPC; the offence of making false statements made in declarations which are by law receivable as evidence under Section 199 IPC; the offence of causing disappearance of evidence of offence, or giving false information to screen offender under Section 201 IPC; the offence of giving false information respecting an offence committed under Section 203 IPC; the offence of false personation for purpose of act or proceeding in suit or prosecution under Section 205 IPC; the offence under Section 209 IPC for dishonestly making false claim in Court; the offence of forgery under Sections 463. 464. 465. 466 IPC; the offence of criminal intimidation under Section 503 IPC; the offences of criminal conspiracy under Sections 120A and 120B IPC; the offence of concealing design to commit offence punishable with imprisonment under Section 120 IPC; the offence of abetment under Sections 107, 108, 108A and 109 IPC;

(i) Restrain Mr Deepak Verma, retired Judge of the Supreme Court of India from committing further contempt of this Hon'ble Court as result of his having entertained the fraudulent, unauthorised and illegal arbitration claim made against the Petitioner by the impersonator, K Radhakrishnan;

(j) Issue notice and non-bailable warrants in this matter for the personal appearance before this court of the Impersonator K Radhakrishnan;

(k) Direct the impersonator K Radhakrishnan to produce before this court the complete records of the unauthorised, fraudulent and illegal arbitration claim and proceedings instituted against the Petitioner;

(1) Pass such other and further orders as this Hon'ble Court may deem fit and proper.”

(underlining added)

19. In addition to the above applications there are various other applications filed by the petitioner effectively alleging that the lawyers of respondents no.1,6 and 7 and the attorney empowered by the Board's resolutions of respondent nos. 1,6 and 7 have no right to represent these respondents though there have been filed on record the vakalatnamas, the power of attorneys by GE companies in favour of their officers, notifications and copies of the resolutions of the GE companies authorizing their officers to conduct the present and other litigations initiated by the present petitioner. These applications are as under:-

CM No.18642/2012:

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE FOR DECLARATION THAT MR K R RADHAKRISHNAN HAS FALSELY REPRESENTED HIMSELF AS THE AUTHORISED SIGNATORY OF RESPONDENT NOS 1,6 & 7 (GENERAL ELECTRIC COMPANY, GE INDIA INDUSTRIAL PRIVATE LIMITED, AND GE GLOBAL SOURCING INDIA PRIVATE LIMITED RESPECTIVELY) IN HIS SWORN AFFIDAVIT DATED JULY 3, 2012 FILED IN CWP NO. 1280 OF 2012; AND CONSEQUENT DECLARATION THAT MR K R RADHAKRISHNAN HAS COMMITTED FRAUD ON THIS COURT AND HAS COMMITTED PERJURY AIDED AND ABETTED BY HIS LAWYERS, MS ZIA MODY AND MR NANJU GANPATHY OF AZB & PARTNERS; AND FURTHER DECLARATION THAT MR NANJU GANAPATHY AND AZB & PARTNERS HAVE MISLED THIS COURT BY FILING

FALSE VAKALATNAMAS ON BEHALF OF RESPONDENT NOS 1,6 & 7 AND THAT THAT THIS CONDUCT AMOUNTS TO LEGAL MALPRACTICE; AND CONSEQUENTLY SEEKING ISSUE OF NOTICE IN CWP NO. 1280 OF 2012 TO RESPONDENT 8 (MR JEFEREY IMMELT), RESPONDENT 9 (MR JOHN FLANNREY), RESPONDENT 10 (MR ALEXANDER DIMITRIEF), RESPONDENT NO 11 (MR BRACKETT DENNISTON) AND TO MR BRADFORD BERENSON (CURRENT VICE-PRESIDENT AND SENIOR COUNSEL, LITIGATION AND LEGAL POLICY AT GENERAL ELECTRIC COMPANY)”

Prayer Clause

“It is therefore most respectfully prayed that this Hon’ble Court may be pleased to:

(a) Declare that Mr K R Radhakrishnan is not an authorised signatory for Respondent 1 (General Electric Company), Respondent 6 (GE India Industrial Private Limited) and respondent 7 (GE Global Sourcing India Private Limited) and is not competent to represent these Respondents, or execute vakalatnama on behalf of these Respondents and/or depose by way of affidavit on behalf of these Respondents before this Court in Civil Writ Petition 1280 of 2012;

(b) Consequently declare that Mr. K R Radhakrishnan (aided and abetted by Mr. Nanju Ganpathy, Mr. Deepak Adalkha, Ms Zia Mody and the law firm of AZB & Partners) has filed false affidavit before this court and has falsely represented himself as an authorised signatory of Respondents 1,6 & 7 and in doing so has committed fraud and perjury and has attempted to obstruct the course of justice in the present writ petition;

(c) Consequentially direct Respondents 1,6 & 7 to file proper counter affidavits to the writ petition (duly sworn by competent and duly authorised officers/representatives) truthfully addressing the complaints and evidence produced by the petitioner on the court record;

- (d) Consequentially issue notice in CWP 1280 of 2012 and in all pending miscellaneous applications to Respondents 8,9,10 and 11;
- (e) Consequentially implead Mr. Bradford Berenson, currently vice-president and senior counsel in charge of litigation and legal policy at General Electric Company in Civil Writ Petition 1280 of 2012 and issue notice to him and direct him to file his personal affidavit in response to the writ petition and other documents, evidence and affidavits filed by the Petitioner;
- (f) Consequentially direct Respondents 8,9,10 and 11 to file personal affidavits in CWP 1280 of 2012 addressing the complaints and evidence produced by the petitioner on the court record and also explaining how Mr K R Radhakrishnan was able to file a false affidavit on behalf of Respondents 1,6 & 7;
- (g) Pass such other and further orders as this Hon'ble Court may deem fit and proper."

CM No. 19370/2012

Heading

"AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE FOR DECLARATION THAT NO VAKALATNAMA HAS BEEN FILED IN CIVIL WRIT PETITION 1280 OF 2012 ON BEHALF OF RESPONDENTS 1,6 AND 7 APPOINTING AZB & PARTNERS OR MR. NANJU GANPATHY AS THEIR ADVOCATES AUTHORISED TO APPEAR ON BEHALF OF THESE RESPONDENTS IN THIS MATTER: AND THAT MR. NANJU GANPATHY AND OTHER ADVOCATES FROM AZB & PARTNERS HAVE BEEN APPEARING IN THIS MATTER SINCE MAY 2012 WITHOUT ANY AUTHORITY TO REPRESENT RESPONDENTS 1,6 & 7; AND FOR DIRECTIONS PROHIBITING APPEARANCE ON BEHALF OF RESPONDENTS 1,6 AND 7 BY ANY ADVOCATE (INCLUDING THE LAW FIRM AZB & PARTNERS AND MR. NANJU GANPATHY) WITHOUT A DULY EXECUTED VAKALATNAMA AND FOR ISSUANCE OF A NOTICE OF CRIMINAL CONTEMPT OF COURT TO MR NANJU GAPATHY FOR COMMITTING A FRAUD ON THIS COURT

WITH INTENT TO SUBVERT AND SABOTAGE THE PRESENT WRIT PETITION”

Prayer Clause:

“It is therefore most respectfully prayed that this Hon’ble Court may be pleased to:

(a) Declare that Mr Nanju Ganpathy/AZB & Partners cannot appear in Civil Writ Petition 1280 of 2012 on behalf of respondents 1,6 and 7 as no vakalatnama in their favour has been filed in this matter and that Mr Nanju Ganpathy/AZB & Partners have no authority to represent respondents 1,6 and 7 in these proceedings;

(b) Prohibit appearance by Mr Nanju Ganpathy and AZB & Partners on behalf of respondents 1,6 and 7 in Civil Writ Petition 1280 of 2012 on the ground that no vakalatnama has been filed in favour of these advocates on behalf of respondents 1,6 and 7 appointing these advocates as the lawyers for respondents 1,6 and 7;

(c) Issue notice of criminal contempt to Mr Nanju Ganpathy and to AZB & Partners for committing a fraud on this court by falsely claiming to represent respondents 1,6 and 7 and for aiding and abetting perjury by enabling the filing of false affidavits by Mr K R Radhakrishnan in Civil Writ Petition 1280 of 2012;

(d) Pass such other and further orders as this Hon’ble Court may deem fit and proper.”

C.M.No.19683/2012

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE FOR DECLARATION THAT THE VAKALATNAMA FILED IN CIVIL WRIT PETITION 1280 OF 2012 ON BEHALF OF RESPONDENTS 1,6 AND 7 ON DECEMBER 7,2012 (AND REFILED ON DECEMBER 11, 2012) BY AZB & PARTNERS/MR NANJU GANPATHY ARE DEFECTIVE AND INVALID AND DO NOT AUTHORISE AZB & PARTNERS/MR NANJU GANPATHY TO APPEAR

ON BEHALF OF THESE RESPONDENTS IN THIS MATTER;
AND FOR DIRECTIONS PROHIBITING APPEARANCE ON
BEHALF OF RESPONDENTS 1,6 AND 7 BY ANY
ADVOCATE (INCLUDING) THE LAW FIRM OF AZB &
PARTNERS AND MR NANJU GANPATHY) WITHOUT
DULY EXECUTED VAKALATNAMAS AND FOR
ISSUANCE OF NOTICE OF CRIMINAL CONTEMPT OF
COURT TO MR NANJU GANPATHY FOR COMMITTING A
FRAUD ON THIS COURT WITH INTENT TO SUBVERT
AND SABOTAGE THE PRESENT WRIT PETITION AND FOR
CERTAIN DIRECTIONS TO THE COURT MASTER OF
COURT 4”.

Prayer Clause

“It is therefore most respectfully prayed that this Hon’ble Court
may be pleased to:

- (a) Declare that Mr. Nanju Ganpathy/AZB & Partners cannot appear in Civil Writ Petition 1280 of 2012 on behalf of respondents 1,6 and 7 as the vakalatnamas filed by them on December 7,2012 and refilled on December 11,2012 are defective and invalid and that Mr. Nanju Ganpathy AZB & Partners have no authority to represent respondents 1,6 and 7 in these proceedings;
- (b) Prohibit appearance by Mr. Nanju Ganpathy and AZB & Partners on behalf of respondents 1,6 and 7 in Civil Writ Petition 1280 of 2012 on the ground that no valid vakalatnamas have been filed in favour of these advocates on behalf of respondents 1,6 and 7 appointing these advocates as the lawyers for respondents 1,6 and 7;
- (c) Issue contempt of criminal contempt to Mr. Nanju Ganpathy and to AZB & Partners for committing a fraud on this court by falsely claiming to represent respondents 1,6 and 7 and for aiding the abetting perjury by enabling the filing of false affidavits by Mr K R Radhakrishnan in Civil Writ Petition 1280 of 2012 with intent to subvert and sabotage the present writ petition;
- (d) Issue direct notice to respondents 1,6 and 7 (by dasti email) asking them to appear in this matter through properly authorised counsel/advocats;

(e) Direct the court-master of court 4 to correct his misleading noting on the order dated December 10,2012;

(f) Direct the registry to return the defective vakalatnamas filed on December 7,2012 and refilled on December 11,2012 by Nanju Ganpathy/AZB & Partners in compliance with the Supreme Court's decision in Uday Shankar Triyar v. Ram Kalewar Prasad Singh[(2006) 1 SCC 75] and to not permit these defective vakalatnamas to be used by Nanju Ganpathy/AZB & Partners to apply for certified copies of documents or for any other purpose;

(g) pass such other and further orders as this Hon'ble Court may deem fit and proper."

CM No. 522/2013

Heading

"AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE FOR DECLARATION THAT THE VAKALATNAMAS FILED IN CIVIL WRIT PETITION 1280 OF 2012 ON BEHALF OF RESPONDENTS 1,6 AND 7 ON DECEMBER 7,2012 (AND REFILED ON DECEMBER 11,2012) AND THE VAKALATNAMAS FILED ON BEHALF OF RESPONDENTS 1,6 AND 7 ON DECEMBER 17 2012 BY AZB & PARTNERS/MR NANJU GANPATHY ARE DEFECTIVE AND INVALID AND DO NOT AUTHORISE AZB & PARTNERS/MR NANJU GANPATHY TO APPEAR ON BEHALF OF THESE RESPONDENTS IN THIS MATTER; AND FOR DIRECTIONS PROHIBITING APPEARANCE ON BEHALF OF RESPONDENTS 1,6 AND 7 BY ANY ADVOCATE (INCLUDING THE LAW FIRM OF AZB & PARTNERS AND MR NANJU GANPATHY) WITHOUT DULY EXECUTED VAKALATNAMAS AND FOR ISSUANCE OF NOTICE OF CRIMINAL CONTEMPT OF COURT TO MS ZIA MODY, MR. NANJU GANPATHY, MR. MANPREET LAMBA, MR KARTIK YADAV, MR. DEEPAK ADLAKHA , MR ABHISHEK TIWARI, MR PRACKETT DENISTON, MR ALEXANDER DIMITRIEF AND MR K R RADHAKRISHNAN FOR COMMITTING A FRAUD ON THIS COURT WITH INTENT TO SUBVERT AND SABOTAGE THE PRESENT WRIT PETITION."

Prayer clause

“It is therefore most respectfully prayed that this Hon’ble Court may be pleased to:

(a) Declare that Mr Nanju Ganpathy/AZB & Partners cannot appear in Civil Writ Petition 1280 of 2012 on behalf of respondents 1,6 and 7 as the vakalatnama filed by them on December 7, 2012 and refilled on December 11,2012 and the vakalatnama filed by them on December 17, 2012 are defective and invalid and declare that Mr Nanju Ganpathy/AZB & Partners have no authority to represent respondents 1,6 and 7 in these proceedings;

(b) Prohibit appearance by Mr. Nanju Ganpathy and AZB & Partners on behalf of respondents 1,6 and 7 in Civil Writ Petition 1280 of 2012 on the ground that no valid vakalatnamas have been filed in favour of these advocates on behalf of respondents 1,6 and 7;

(c) Issue notice of criminal contempt of court to Mr Brackett Denniston, Mr Alexander Dimitrief, Ms Zia Mody, Mr Nanju Ganpathy, Mr Manpreet Lamba Mr. Kartik Yadav, Mr Deepak Adlakha, Mr Abhishek Tiwari and Mr K R Radhakrishnan for committing a fraud on this court by falsely claiming that K R Radhakrishnan and AZB & Partners /Nanju Ganpathy represent respondents 1,6 and 7 and for aiding and abetting perjury by enabling the filing of false affidavits by Mr K R Radhakrishnan in Civil Writ Petition 1280 of 2012 with intent to subvert and sabotage the present writ petition;

(d) Issue direct notice on the writ petition once again to respondents 1,6 and 7 by dasti email and directing these respondents to appear in this matter through properly authorised counsel/advocates;

(e) Direct the court registry to return the defective vakalatnamas filed on December 7,2012 and refilled on December 11,2012 and to also return the defective vakalatnamas filed on December 17,2012 by Nanju Ganpathy/AZB & Partners in compliance with the Supreme Court’s decision in Uday Shankar Triyar v. Ram Kalewar Prasad Singh [(2006) 1 SCC 75] and direct the court registry to not provide certified copies of court records to AZB & Partners on the basis of these defective vakalatnamas;

(f) Clarify that notice on the writ petition to respondents 8,9 10 and 11 as issued by this court on November 19,2012, can be served dasti by email and courier only and not by all permissible modes of services;

(g) Pass such other and further orders as this Hon'ble Court may deem fit and proper.”

C.M.No.10493/2013

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE SEEKING DIRECTIONS FROM THE COURT TO IMMEDIATELY STOP AZB & PARTNERS AND MR NANJU GANPATHY FROM APPEARING FOR RESPONDENTS 1,6 & 7 IN THIS WRIT PETITION AND FOR ISSUE OF FRESH NOTICE TO RESPONDENTS 1, 6 & 7”

Prayer Clause

“In the aforesaid circumstances, it is most respectfully prayed that this Hon'ble Court be pleased to:

a) dismiss the Writ Petition, along withall the applications filed in the writ petition, as infructuous filed in the Writ Petition, as infructuous and not maintainable in so far as the Writ Petition and the applications relate to and/or pertain to the Respondent Nos.1,6 and 7:

b) pass such other or further order or orders as this Hon'ble Court may deem fit and expedient in the interest of justice.”

C.M.No.18969/2014

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE SEEKING DIRECTIONS FROM THE COURT IN CONNECTION WITH THE FRAUD ON THE

HON'BLE COURT AS ONE K R RADHAKRISHNAN (ASSISTED BY LAWYERS NANJU GANPATHY AND MANPREET LAMBA OF AZB & PARTNERS AND BY DEEPAK ADLAKHA, A LAWYER WHO WAS FIRED BY GE INDIA INDUSTRIAL PRIVATE LIMITED AFTER THIS WRIT PETITION WAS FILED) IS IMPERSONATING RESPONDENTS 1, 6&7(GENERAL ELECTRIC COMPANY, GE INDIA INDUSTRIAL PRIVATE LIMITED &GE GLOBAL SOURCING INDIA PRIVATE LIMITED) BEFORE THIS COURT IN THIS MATTER USING FRAUDULENT, FORGED, FABRICATED AND INVALID AUTHORITY DOCUMENTS AND HAS FILED FALSE, UNAUTHORISED AND PERJURIOUS AFFDAVITS IN THIS MATTER FALSELY HOLDING HIMSELF OUT AS THE AUTHORISED SIGNATORY FOR RESPONDENTS 1, 6 AND 7”

Prayer Clause

“It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Declare that K R Radhakrishnan is not the authorised signatory of General Electric Company (respondent 1); GE India Industrial Private Limited (respondent 6); or GE India Global Sourcing Private Limited (respondent 7); for the purposes of this writ petition and that he cannot represent these respondents in this matter or sign court pleadings and/ or affidavits on behalf of these respondents in this matter;

(b) Declare that K R Radhakrislman has unlawfully impersonated as the authorised signatory of respondents 16 and 7 in this matter as part of a criminal conspiracy to defraud this Hon'ble Court with intent to file false and unauthorised affidavits and to cover up the complaints of corruption, fraud, forgery and manipulation of the Railway Madhepura & Marhowra Projects and tenders pending before this court against respondents 1,6 and 7 and to deny the petitioner/whistleblower/witness her rights for whistleblower protection against respondents 1, 6 and 7;

(c) Declare that the three vakalatnamas signed by K Radhakrishnan and filed on December 7, 2012 and refiled on December 11, 2012; and the three vakalatnamas signed by K Radhakrishnan and filed on December 17, 2012; and the

vakalatnama allegedly signed by Bradford Berenson on 9 May 2013 and the two vakalatnamas signed by K Radhakrishnan and filed on July 16, 2013 are all invalid, unlawful and defective;

(d) Declare that the alleged Power of Attorney executed by Alexander Dimitrief on 4 May 2012 purportedly on behalf of General Electric Company and filed in this court under which K Radhakrishnan claimed to be authorised signatory for General Electric Company (respondent 1) is unlawful, fraudulent and violates the Board Resolution of General Electric Company numbered 10855 adopted by the Board of Directors of General Electric Company in its Board of Directors Meeting on 6 November 2009;

(e) Declare that the alleged Power of Attorney executed by Bradford Berenson on 29 April 2013 purportedly on behalf of General Electric Company and filed in this court under which K Radhakrishnan claimed to be authorised signatory for General Electric Company (respondent 1) is unlawful, fraudulent and violates the Board Resolution of General Electric Company numbered 10855 adopted by the Board of Directors of General Electric Company in its Board of Directors Meeting on 6 November 2009;

(f) Declare that the alleged copies of the Board Resolutions of respondents 6 and 7 (GE India Industrial Private Limited and GE Global Sourcing India Private Limited) dated 7 May 2012 and dated 17 December 2012 filed in this writ petition and under which K Radhakrishnan claims to be authorised signatory for respondents 6 and 7 are fraudulent, forged, invalid and fabricated documents and these documents do not constitute K R Radhakrishnan as the authorised signatory and representative of respondents 6 and 7 for this writ petition;

(g) Declare that Mr Nanju Ganpathy/ AZB & Partners cannot appear in Civil Writ Petition 1280 of 2012 on behalf of respondents 1, 6 and 7 as the vakalatnamas filed by them on December 7, 2012 and refiled on December 11, 2012 and the vakalatnamas filed by them on December 17, 2012 and the vakalatnamas filed by them on 16 July 2013 are all defective and invalid and declare that Mr Nanju Ganpathy/ AZB & Partners have no authority to represent respondents 1, 6 and 7 in these proceedings;

(h) Immediately prohibit appearance by Mr Nanju Ganpathy and AZB & Partners on behalf of respondents 1, 6 and 7 in Civil Writ Petition 1280 of 2012 on the ground that vakalatnamas and authority documents placed on record by AZB on behalf of respondents 1, 6 and 7 are defective and invalid;

(i) Issue notice of criminal contempt of court to Mr Jeffrey Tmmp.lt (GE), Mr Brackett Denniston (GE), Mr Alexander Dimitrief (GE), Mr Bradford Berenson (GE), Mr Jeffrey Eglash (GE), Mr F. Joseph Warin (Gibson Dunn), Mr John Chesley (Gibson Dunn), Ms Zia Mody (AZB), Mr Nanju Ganpathy (AZB), Mr Manpreet Lamba (AZB), Mr Kartik Yadav (previously appearing for AZB), Mr Deepak Adlakha (ex GE-India), Mr Abhishek Tiwari (AZB), Ms Tejal Singh (GE India) and Mr K R Radhakrishnan (GE India) for committing fraud on this court by using K R Radhakrishnan to impersonate as the authorised signatory for respondents 1, 6 and 7 and using him to file false and unauthorised affidavits, applications, pleadings, and vakalatnamas for respondents 1, 6, and 7 with criminal intent to commit a fraud on this Hon'ble Court, on the Government of India, on General Electric Company and on the Petitioner to facilitate a cover up of the complaints of corruption, forgery, fraud, tender manipulation, and illegal lobbying against respondents 1, 6 and 7 in connivance with the Railway Ministry (respondent 4);

(j) Issue notice of criminal contempt of court to Mr Jeffrey Immelt (GE), Mr Brackett Demastion (GE), Mr Alexander Dimitrief (GE), Mr Bradford Berenson (GE), Mr Jeffrey Eglash (GE), Mr F. Joseph Warin (Gibson Dunn), Mr John Chesley (Gibson Dunn), Ms Zia Mody (AZB), Mr Nanju Ganpathy (AZB), Mr Manpreet Lamba (AZB), Mr Kartik Yadav (previously appearing for AZB), Mr Deepak Adlakha (ex GE-India), Mr Abhishek Tiwari (AZB), Ms Tejal Singh (GE India) and Mr K R Radhakrishnan (GE India) for aiding and abetting perjury by enabling the filing of false and unauthorised affidavits by Mr K R Radhakrishnan in Civil Writ Petition 1280 of 2012 with intent to subvert and sabotage the present writ petition;

(k) Issue notice of criminal contempt of court to General Electric Company respondent 1); GE India Industrial Private Limited (respondent 6); and GE Global Sourcing India Private Limited

(respondent 7) for failing to appear before this Hon'ble Court despite issue and service of notice and summons dated 7 March 2012;

(1) Direct the criminal prosecution of K R Radhakrishnan for criminal impersonation, fraud, cheating, forgery, and perjury in respect of the complaints set out in the present application;

(m) Issue direct notice on the writ petition once again to respondents 1, 6 and 7 by dasti email and directing these respondents to appear in this matter through properly authorised counsel/advocates and to file their response to the pleadings through a duly authorised signatory duly empowered to sign court pleadings on behalf of these respondents;

(n) Direct the court registry to return the defective vakalatnamas filed on December 7, 2012 and refiled on December 11, 2012 and to also return the defective vakalatnamas filed on December 17, 2012 and July 16, 2013 by Nanju Ganapathy/ AZB & Partners in compliance with the Supreme Court's decision in Uday Shankar Triyar v. Ram Kalewar Prasad Singh [(2006) 1 see 75];

(o) Clarify that notice on the writ petition to respondents 8, 9, 10 and 11 as issued by this court on November 19, 2012, can be served dasti by email and courier only and not by all permissible modes of service;

(p) Direct AZB & Partners, Nanju Ganapathy, and K R Radhakrishnan to produce the original records of the minutes of the board meetings/resolutions of respondents 6 and 7 for the board resolutions dated 7 May 2012 and 17 December 2012, allegedly issued by respondents 5 and 6;

(q) Pass such other and further orders as this Hon'ble Court may deem fit and proper.”

C.M.No.1882/2015

Heading

“AN APPLICATION UNDER SECTION 151, CIVIL, PROCEDURE CODE SEEKING DIRECTIONS FROM THE COURT IN CONNECTION WITH THE FRAUD ON THE

HON'BLE COURT AS ONE K R RADHAKRISHNAN (ASSISTED BY LAWYERS MANJU GANPATHY AND MANAPREET LAMBA OF AZB & PARTNERS AND BY DEEPAK ADLAKHA, A LAWYER WHO WAS FIRED BY GE INDIA INDUSTRIAL PRIVATE LIMITED AFTER THIS WRIT PETITION WAS FILED) IS IMPERSONATING AS AUTHORISED SIGNATORY OF RESPONDENTS 1,6,& 7 (GENERAL ELECTRIC COMPANY, GE INDIA INDUSTRIAL PRIVATE LIMITED & GE GLOBAL SOURCING INDIA PRIVATE LIMITED) BEFORE THIS COURT IN THIS MATTER USING FRAUDULENT, FORGED, FABRICATED AND INVALID AUTHORITY DOCUMENTS AND HAS FILED FALSE, UNAUTHORISED AND PERJURIOUS AFFIDAVITS IN THIS MATTER FALSELY HOLDING HIMSELF OUT AS THE AUTHORISED SIGNATORY FOR RESPONDENTS 1, 6 AND 7 AND ADDRESSING NEW FRAUDULENT AUTHORITY DOCUMENTS FILED THROUGH MANJU GANPATHY ON 28 JANUARY 2015.”

Prayer Clause

“It is therefore most respectfully prayed that this Hon’ble Court may be pleased to:

- (a) Declare that K R Radhakrishnan is not the authorised signatory of General Electric Company (respondent1); or GE India Industrial Private Limited (respondent 6); or GE India Global Sourcing Private Limited (respondent 7); for the purposes of this writ petition and that he cannot represent these respondents in this matter or sign court pleadings and / or affidavits on behalf of these respondents in this matter,
- (b) Declare that K R Radhakrishnan has unlawfully impersonated as the authorised signatory of respondent 1 6 and 7 in this matter as part of a criminal conspiracy to defraud this Hon’ble Court with intent to file false and unauthorised affidavits and to cover up the complaints of corruption, fraud forgery and manipulation of the Railway Madhepura & Marhowra projects and tenders pending before this court against respondent 1, 6 and 7 and to deny the petitioner/whistleblower/witness her rights for whistleblower protection against respondent 1,6 and 7;
- (c) Declare that the three vakalanamasallegedly signed by K Radhakrishnan and filed on December 7, 2012 and refilled on

December 11, 2012; the three vakalatnamas allegedly signed by K Radhakrishnan and filed on December 17, 2012; the vakalatnama allegedly signed by Bradford Berenson on 9 May 2013; and the two vakalatnamas allegedly signed by K Radhakrishnan and filed on July 16, 2013 are all invalid, unlawful and defective;

- (d) Declare that the alleged Power of Attorney allegedly executed by Alexander Dimitrief on 4 May 2012 purportedly on behalf of General Electric Company and alleged copy thereof filed in this court under which K Radhakrishnan claimed to be authorised signatory for General Electric Company (respondent 1) is unlawful, fraudulent and that it violates the Board Resolution of General Electric Company numbered 10855 adopted by the Board of Directors of General Electric Company in its Board of Directors Meeting on 6 November 2009;
- (e) Declare that the alleged Power of Attorney executed by Bradford Berenson on 29 April 2013 purportedly on behalf of General Electric Company and alleged copy thereof filed in this court under which K Radhakrishnan claimed to be authorised signatory for General Electric Company (respondent 1) is unlawful, fraudulent and that it violates the Board Resolution of General Electric Company numbered 10855 adopted by the Board of Directors of General Electric Company in its Board of Directors Meeting on 6 November 2009;
- (f) Declare that the alleged Board Resolutions of respondents 6 and 7 (GE India Industrial Private Limited and GE Global Sourcing Indian Private Limited) dated 7 May 2012 and dated 17 December 2012 and copies thereof filed in this writ petition and under which K Radhakrishnan claims to be authorised signatory for respondents 6 and 7 are fraudulent, forged, invalid and fabricated documents and these documents do not constitute K R Radhakrishnan as to authorised signatory and representative of respondents 6 and 7 for this writ petition;
- (g) Declare that the alleged Power of Attorney dated 8/12/2014 allegedly executed by TejalPatil purportedly on behalf of GE India Industrial Private Limited and alleged copy thereof filed in this court under which K Radhakrishnan claims to be authorised signatory for GE India Industrial Private Limited is unlawful, fraudulent, invalid, forged and fabricated and that TejalPatil has produced no authority to execute such Power of Attorney on behalf of GE India Industrial Private Limited.
- (h) Declare that the alleged board resolutions of GE India Industrial Private Limited dated 10/9/14 and 26/9/2014 and copies thereof filed in this writ petition on 28 January 2015 and under which K

Radhakrishnan claims to be authorised signatory for respondent 6 are fraudulent, forged, invalid and fabricated documents and these documents do not constitute K R Radhakrishnan as the authorised signatory and representative of respondents 6 and 7 for this writ petition;

- (i) Declare that Mr NanjuGanpathy/AZB & Partners cannot appear in Civil Writ Petition 1280 of 2012 on behalf of respondents 1,6 and 7 as the vakalatnamas filed by them on December 7, 2012 and refiled on December 11, 2012 and the vakalatnamas filed by them on December 17, 2012 and the vakalatnamas filed by them on 16 July 2013 are all defective and invalid and declare that Mr NanjuGanpathy/AZB & Partners have no authority to represent respondents 1,6 and 7 in these proceedings;
- (j) Immediately prohibit appearance by Mr. NanjuGanpathy and AZB & Partners on behalf of respondents 1,6 and 7 in Civil Writ Petition 1280 of 2012 on the ground that vakalatnamas and authority documents placed on record by AZB on behalf of respondents 1,6 and 7 are defective and invalid.
- (k) Issue notice of criminal contempt of court to Mr. Jeffrey Immelt (GE), Mr Brackett Denniston (GE), Mr. Alexander Dimitrief (GE), Mr Bradford Berenson (GE) , Mr. Jeffrey Eglash (GE), Mr. F. Joseph Warin (Gibson Dunn), Mr. John Chesley (Gibson Dunn), Ms Zia Mody (AZB), Mr. NanjuGanpathy (AZB), Mr ManpreetLamba (AZB), Mr Kartik Yadav (previously appearing for AZB), Mr. Deepak Adlakha (ex GE-India), Mr Abhishek Tiwari (AZB), Ms Tejal Singh (GE India) and Mr K R Radhakrishnan (GE India) for committing a fraud on this court by using K R Radhakrishnanto impersonate as the authorised signatory for respondents 1,6 and 7 and using him to file false and unauthorised affidavits, applications, pleadings, and vakalatnamas for respondents 1,6 and 7 with criminal intent to commit a fraud on this Hon'ble Court, on the Government of India, on General Electric Company and on the Petitioner to facilitate a cover up of the complaints of corruption, forgery, fraud, tender manipulation, and illegal lobbying against respondents 1,6 and 7 in connivance with the Railway Ministry (respondent 4);
- (l) Issue notice of criminal contempt of court to Mr. Jeffrey Immelt (GE), Mr Brackett Denniston (GE), Mr Allexander Dimitrief (GE), Mr Bradford Berenson (GE), Mr Jeffrey Eglash (GE), Mr F. Joseph Warin (Gibson Dunn), Mr. John Chesley (Gibson Dunn), Ms Zia Mody (AZB), Mr. NanjuGanpathy (AZB), Mr ManpreetLamba (AZB), Mr Kartik Yadav (previously appearing for AZB), Mr Deepak Adlakha (ex GE-India), Mr Abhishek

Tiwari (AZB), Ms Tejal Singh (GE India) and Mr K R Radhakrishnan (GE India) for aiding and abetting perjury by enabling the filing of false and unauthorised affidavits by Mr. K R Radhakrishnan in Civil Writ Petition 1280 of 2012 with intent to subvert and sabotage the present writ petition;

- (m) Issue notice of criminal contempt of court of General Electric Company (respondent 1); GE India Industrial Private Limited (respondent 6); and GE Global Sourcing India Private Limited (respondent 7) for failing to appear before this Hon'ble Court despite issue and service of notice and summons dated 7 March 2012;
- (n) Direct the criminal prosecution of K R Radhakrishnan for criminal impersonation, fraud, cheating, forgery, and perjury in respect of the complaints set out in the present application;
- (o) Issue direct notice on the writ petition once again to respondents 1,6 and 7 by dasti email and directing these respondent to appear in this matter through properly authorised counsel/advocates and to file their response to the pleadings through a duly authorised signatory duly empowered to sign court pleadings on behalf of these respondents;
- (p) Direct the court registry to return the defective vakalatnamas filed on December 7, 2012 and refilled on December 11, 2012 and to also return the defective vakalatnamas filed on December 17, 2012 and July 16, 2013 by NanjuGanpathy/AZB & Partners in compliance with the Supreme Court's decision in Uday Shankar Triyar v. Ram kalewar Prasad Singh (2006) 1 SCC 75];
- (q) Clarify that notice on the writ petition to respondents 8,9,10 and 11 as issued by this court on November 19, 2012, can be served dasti by email and courier only and not by all permissible modes of service;
- (r) Direct AZB & Partners, NanjuGanpathy, Manpreet Lamba, and K R Radhakrishnan to produce the apostilled originals of the alleged Power of Attorney allegedly executed by Alexander Dimitrief on 4 May 2012 and of the alleged Power of Attorney allegedly executed by Bradford Berenson on 29 April 2013; and to produce the original of the alleged Power of Attorney dated 8/12/2014 allegedly executed by TejaPatil; and to produce the original company records of the minutes of the board meetings of respondents 6 and 7 for the board resolutions dated 7 May 2012 and 17 December 2012 allegedly passed by respondents 5 and 6 and for the board resolutions dated 27/9/12, 10/9/14, and 26/9/2014 allegedly passed by respondent 6;

- (s) Direct Mr NanjuGanpathy and Mr ManpreetLamba to supply the petitioner with copies of the documents filed under their name on 28 January 2015 in Writ Petition Civil 1280/2012;
- (t) Pass such other and further orders as this Hon'ble Court may deem fit and proper."

20. There was also an application filed by the petitioner that the counsels and the authorized signatories of CVC/respondent no.2 and Railway Ministry/respondent no.4 were not authorized and this application filed was CM 6417/2013 whose heading and prayer clauses read as under:

CM No. 6417/2013

Heading

"AN APPLICATION UNDER SECTION 151, CIVIL PROCEDURE CODE SEEKING DIRECTIONS FROM THE COURT IN CONNECTION WITH THE UNAUTHORISED/IMPROPER LEGAL/COURT REPRESENTATION FOR RESPONDENT 2(CVC) AND RESPONDENT 4 (RAILWAY MINISTRY) IN THIS MATTER."

Prayer Clause

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) Direct that Mr R V Sinha cannot represent the CVC, i.e., respondent 2 in this writ petition as he has not produced a vakalatnama, and also because he has previously appeared in this writ petition for the Railway Ministry (respondent 4), and also because his read brother is the counsel for the Railway Ministry (respondent 4) and this creates a serious conflict of interest;
- (b) Direct that Mr R N Singh cannot represent the Railway Ministry (respondent 4) in this writ petition because he and his

brother's appearance in this matter for the CVC and the Railway Ministry have created a serious conflict of interest situation and valid concerns about collusion between the CVC, the Railway Ministry and General Electric in subverting these writ proceedings and in subverting the administration of justice;

(c) Direct that the respondent 2(CVC) appoint a competent and authorised counsel to represent it in this writ petition and that it issue proper instructions to such counsel;

(d) Direct that the respondent 4(Railway Ministry) appoint a competent and authorised counsel to represent it in this writ petition and that it issue proper instructions to such counsel;

(e) Reject as inadequate the deficient, evasive false and fraudulent affidavits filed in this matter by both Mr R N Singh and Mr R V Sinha for the CVC and the Railway Ministry, and direct both the CVC and the Railways Ministry to file proper, complete, true and competent affidavits in this matter through properly authorised and instructed counsel;

(f) Direct that the names of both Mr R V Sinha and Mr R N Singh be removed from the Central Government's panel of nominated counsel;

(g) pass such other and further orders as this Hon'ble Court may deem fit and proper."

21. We do realize that mentioning of the aforesaid orders, applications and other aspects have made this judgment lengthy but we had no option but to reproduce them, inasmuch as, it was necessary to show consistent lack of *bonafides* good faith and honesty of the petitioner with respect to the present writ petition. The writ petition is therefore clearly a gross abuse of the process of the law and is liable to be dismissed on these grounds itself without even going into the averments made in the writ

petition, however, we would hereafter refer to the writ petition, averments made therein, reliefs claimed therein and certain other aspects to show that the writ petition is nothing but a case of self serving averments of the petitioner with no larger public interest involved at all, and, issues raised of alleged corruption of which neither there is sufficient material for this Court to entertain the writ petition and nor the averments made are bonafide. In fact, the petitioner had filed a complaint with CVC with regard to some of her allegations made in this petition, and the records of this court show that after replying to the petitioner that the complaint has been looked into, CVC ultimately had advised closure of the case and this is so stated in the counter- affidavit of respondents no. 2 and 4/Railways dated 2.7.2012 and the relevant para of the counter-affidavit is para 3 which reads as under:-

“3. That the Central Vigilance Commission vide its letter No. 1117/RLY/16/124624 dated 11.04.2011 had forwarded to Railway Board a copy of e-mail complaint dated 11.01.2011 received in the Commission from Ms. Seema Sapra, Advocate, New Delhi in which the complainant alleged that fake Customer Certificate was submitted by M/s. GE Global Sourcing India Pvt. Ltd. in connection with Request for Qualification (RFQ) for setting up Diesel Locomotive Factory at Marhowra, District – Saran, Bihar. On receipt of the complaint, the matter was got thoroughly investigated and the investigation has revealed that Clause 3.2 related to ‘Technical Capacity’,

inter-alia, mentioned that the applicant firm should have manufactured and supplied at least 1000 Mainline Diesel Electric Locomotives over the period of last ten years. Scrutiny of the tender file revealed that as per the Customers' Certificate attached at page 63 to 113 of the RFQ submitted by M/s. GE Global Sourcing India Pvt. Ltd., the company had designed, manufactured and supplied total 2326 mainline Diesel Electric Locomotives over a period of last ten years. Thus, it is noticed that even if the Customer Certificate issued by Kazakhstan Railway for 10 No. of locomotives supplied by M/s. GE Global Sourcing India Pvt. Ltd. is discarded, the firm was fulfilling the 'Technical Capacity' criteria, as the requirement as per clause 3.2 of the RFQ is only 1000 locomotives over the period of last ten years. Thus, investigation has found that the firm M/s. Global Sourcing India Pvt. Ltd. has not derived any advantage by submitting the scanned copy. Therefore, no substance was found in the allegation. The report of investigation was sent to the Central Vigilance Commission and the Central Vigilance Commission after perusal of the Investigation Report and the comments of the administrative authorities thereon has advised closure of the case vide CVC's ID No. 117/RLY/16/145435 dated 19.09.2011 (Annesure R-1)." (underling added)

22. When we read the writ petition and its annexures we doubt whether even notices at all should have been issued in this writ petition. We have already reproduced above the ratios of various judgments of the Supreme Court which require that it is necessary that there must be basis for the averments made in a PIL i.e the averments must be *prima facie*

substantiated and unless that is done, writ petition is liable to be thrown out at the threshold itself. Further, for looking into corruption, a statutory body being the CVC exists, and it is not that merely if the petitioner utters 'mantras' of corruption therefore merely on that ground alone PIL should be entertained. This we are stating because in innumerable number of pleadings of the petitioner and in the hearings before the Court, allegations are made that the respondents are wanting to cover up corruption and in fact petitioner has also (without directly saying so), made innuendoes against different Benches of this Court of trying to cover up corruption by not giving the reliefs as claimed in the writ petition by allowing of the writ petition. There are allegations galore against all and sundry be they officials of GE, officials of Railways, officials of Planning Commission, Advocates, the respondents, officials of contesting respondents, PM office, Senior Advocates of Supreme Court, retired and sitting Judges of Supreme Court etc etc. The writ petition therefore being based only on self-serving averments and self-serving correspondence initiated by the petitioner herself was liable to be dismissed even without issuing notice and in any case the writ petition definitely need not have been continued after the main reliefs of cancellation of 2010 tenders became infructuous as the Government had cancelled the tenders and so recorded in terms of the statement of the then

ASG made before the Division Bench of this Court on 31.5.2013. Petitioner, as is her won't, even before this Bench which concluded her arguments, kept on arguing that in spite of cancellation of the tenders, GE be black-listed and that this Court takes cognizance and cancel even of the subsequent tender process of 2013. In our opinion, if a petitioner in a PIL is allowed to keep on expanding the contours of the PIL petition to keep on including every subsequent tender then a PIL will never come to an end. We therefore refuse to look into the allegations made by the petitioner in her various applications and affidavits by which even the subsequent tender process of the year 2013 is being questioned by the petitioner. It is impermissible to expand the scope of the writ petition to a totally new cause of action, and we therefore decline the prayer of the petitioner to expand the scope of the writ petition to allow the petitioner to question the 2013 tenders, much less on account of gross *mala fides* of the petitioner as already detailed above and whose entitlement to file a PIL on the subject matters, we reject lock, stock and barrel.

23. Therefore, the writ petition has become infructuous so far as the main relief of 2010 tender process is concerned. Issue of black-listing of G.E is an issue which is for the Railways to look into inasmuch as black-listing can only be done under a specified process of a government organization and which only the concerned authority can do with the

further aspect that in the opinion of that authority that it is required to be done.

24. In our opinion, for the sake of argument even if we take the averments made in the writ petition in some way to have an alleged case of corruption, however, every case of corruption does not mean that this Court should entertain PILs unless a grave public interest is involved by it being substantiated by specific and detailed pleadings and the requisite independent corroborative documents, but which we find lacking in the present case. Of course, we may hasten to add that there is a case of corruption has not even *prima facie* been made out because the so called allegations of corruptions are only self-serving averments of the petitioner without any independent and acceptable substantial material to at all substantiate these allegations. Petitioner has totally failed to give *prima facie* substantiation to her allegations of bribery, corruption etc and just because petitioner is keen on making self-serving wild and reckless allegations against government officials, Ministries, GE companies etc etc does not mean that allegations simply because they are repeated hundreds of times should be read as having any substance in the same. We would at this stage seek to clarify that we are not specifically referring to the allegations of corruption and bribery etc inasmuch, if we will do so, then,

we would in fact be looking into merits of issues with respect to a tender process of 2010 and which we need not at all do so inasmuch as the 2010 tender process has been cancelled and recalled long back. At the cost of repetition we would like to state that the averments made in the writ petition having not been substantiated, hence lack legal basis, and thus do not in any manner deserve even a cursory and *prima facie* acceptance by this Bench.

25(i) The second and only other relief, and the second aspect of the writ petition, is with respect to claim of the petitioner for being provided security on the ground that she is a whistle blower. Petitioner in different applications and in the writ petition has claimed security and even Z+ security on account of averments that there are threats to her life. What are the threats to the life of the petitioner we have already reproduced above and which have been noted in different orders passed by different Benches of this Court. Suffice to say that the said/alleged threat to the petitioner's life is nothing but a figment of imagination of the petitioner. None of the neighbours of the petitioner can be said to have tried to poison the petitioner. None of the hospitals and the doctors alleged by the petitioner have also ever tried to poison or kill the petitioner. There is no basis whatsoever in the allegations against Delhi police and some of its

personnel trying to kill the petitioner or harass the petitioner. All allegations made by the petitioner are baseless and self-serving allegations which merit total and complete rejection by this Court. In fact, petitioner is not a whistle blower but is a disgruntled ex-employee of the respondent no.1 and whose services were terminated prematurely and seeing the conduct of the petitioner so far as this writ petition is concerned, we are sure that G.E obviously would not have been able to tolerate the employment of the petitioner with it.

(ii) We would also like to note that issues of threat perception and threat assessment are left to the requisite authorities being the Delhi Police and the Ministry of Home Affairs and both these authorities have filed affidavits in this Court that there is no threat perception to the petitioner and we completely agree with the stands taken by the Delhi Police. The relevant paras of the counter-affidavits of the Ministry of Home Affairs and Delhi Police read as under:-

Para 1 of Counter Affidavit dated 14.1.2013 of Ministry of Home Affairs

“1. REPLY TO PARA 1 AND 2: In reply to para 1 and 2 it is humbly submitted by the respondent that provision of security to the petitioner, is the responsibility of the State Government/UT

Administration concerned. The local police may provide security, if, as per their local threat assessment, such security is considered necessary. Whereas it is submitted that with regards to the provision of security to whistle Blowers, the Government of India has authorized the Central Vigilance Commission (CVC) as the designated agency to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action in respect of employees of the Central Government or of any Corporation established under any Central Act, Government Companies, societies or local authorities owned or controlled by the Central Government. It is further submitted that if CVC is of the opinion that the complainants or the witnesses need protection, it shall issue appropriate directions to the concerned Government Authorities, i.e. Delhi Police, in the instant case. Similarly, for her relocation to a safe house on security considerations, it is for the CVC to take a view as to its necessity and give appropriate directions to the Delhi Police. A copy of Resolution No. 371/12/2002-AVD-III, dated 21.04.2004 and CVC Office Order No. 33/5/2004 dated 17.05.2004 under file No.004/VGL/26 and its enclosures, is annexed along with and is marked as ANNEXURE A.”

Paras 42 and 43 of the counter affidavit dated 11.1.2013 of Delhi Police

“42-43. The contents of para 42-43 are denied except which are specifically admitted hereinunder. Without commenting upon the petitioners apprehension of danger of her life it is submitted that the answering respondent in strict adherence to the order of this Hon’ble high court tried to extend police protection to the

petitioner, however on enquiry it was found that the petitioner had been evicted from the tenanted premises at G-4, First Floor, Jungpura Extension in pursuance of the Judgement/decreed dated 27.5.2011 passed by the court of Ms. Neelam Singh, ADJ-II, South, Saket Courts. It is submitted that pursuant to the order of eviction, the owner of the premises had filed an execution in which the bailiff was appointed for taking over the possession of the premises. When the bailiff tried to take the possession the same was resisted by the petitioner leading to seeking of police protection by the owner. The owner and the bailiff were granted police assistance and the possession of the premises was taken over on dated 30.5.2012. The copy of proceedings leading to recovery of possession of the rented premises from the petitioner are annexed herewith as **ANNEXURE-R3/2 (Colly)**. It is submitted that after the possession of the premises were taken over, the whereabouts of the petitioner could not be ascertained despite attempts being made through enquiry from various bar Association offices. The copy of letter sent to bar association offices are annexed herewith as ANNEXURE-R3/3 (colly). The petitioner has lately sent a complaint through mail to the commissioner of Police regarding grievance of parking at the Indian Habitat Centre. The complaint is being looked into by the Concerned police station and a concerned officer from the police station Lodhi Colony as tried to contact the Petitioner but despite efforts the petitioner couldn't be contacted either due to her unavailability at her room or due to her mobile being switched off. However the concerned official has given strict instructions to the security at the India Habitat Centre and also to the Beat staff of the local police to look after and secure the petitioner. The copy of D.D. entry showing the visit by

police official from Police Station Lodhi Colony are annexed herewith as ANNEXURE-R3/4 (colly).

The complaints made till date by the petitioner to the police have been duly enquired into and found to be highly imaginative and/or an exaggerated narration of fact which discloses no cause for apprehension to either her life or person. The allegation of being drugged/poisoned at the house by the neighbour through holes in her tenanted house were enquired and no such hole was found to have existed. Further allegation of poisoning through overhead water tank were also frivolous in as much as there exist a single tank on the top through which water is supplied to all the 3 floors of the rented premises and no such problem was informed by anyone living in the other floors of the building. The petitioner had made numerous complaints however nothing substantial was found in the complaint despite enquiry/investigation by the police officials. It is submitted that the allegation of terrorization/intimidation by the Delhi police are entirely false and frivolous. The allegation of conspiracy by the police to isolate the petitioner are also baseless and ill founded. The allegation of being terrorized by alleged harassment by the police are also baseless.”

(emphasis is mine)

26. We completely agree with the stands taken up by the Delhi Police and the Ministry of Home Affairs in this regard. Petitioner in the guise of making allegations of threat to human life has in fact caused

misery, harassment and turmoil to innumerable number of people including her neighbours, Delhi Police, doctors and even advocates of this Court. Though it may not be relevant for the purpose of disposal of this writ petition, it may be noted that the petitioner who is an advocate has been restrained from going into the canteens of the lawyers of this Court because petitioner kept on making allegations even against lawyers that lawyers were trying to poison her. Petitioner therefore only has access to this court as a lawyer for approaching the courts and not for using the areas to which other advocates have access such as canteens etc.

27. In view of the above, this writ petition is a totally frivolous and a *mala fide* petition, and it is also an abuse of the process of the law. The present writ petition was never a genuine PIL and it was only an action of a disgruntled employee who was thrown out of her employment and such a petitioner/employee through this PIL is seeking to take vendetta against her erstwhile employer with whom she has enmity. By the time the judgment in the case was reserved vide order dated 3.2.2015, volumes of the writ petition had reached to number 35 ending at page nos. 12,440.

28. In view of the above, the various orders passed by this Court, and the wild and reckless allegations made by the petitioner against all and

sundry including Hon'ble Judges of this Court and the Supreme Court, the present is a classic case of abuse of PIL process where the writ petition must be and is accordingly dismissed with exemplary costs of Rs. 2 lacs to be deposited within 3 months with the Delhi High Court Legal Aid Services Authority and payment of which costs shall be a condition precedent for the petitioner to initiate any fresh independent litigation on any of the subject matters of the present proceedings. All pending applications stand disposed of accordingly.

VALMIKI J. MEHTA, J

P.S.TEJI, J

MARCH 02, 2015
ib/dkg/KA