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

+ W.P.(C) 8665/2016

ASHOK KUMAR AGGARWAL

..... Petitioner

Through

Mr.Rakesh Khanna, Sr. Adv. with
Mr.Yashraj Deora, Mr.Ashutosh
Dubey & Ms.Dhrishti, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through

Mr.Jaswinder Singh, Adv. with
Ms.Shipra Shukla, Adv. for R-1 & 6.
Mr.Sanjeev Bhandari, SPP with
Mr.Prateek Kumar, Adv. for R-3.
Ms.Tatini Babu, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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28.11.2018

Vide the present petition, the petitioner seeks direction thereby to quash the references made by respondent no.1 on 22.07.2016 and 17.08.2016 and respondent no.3 on 08.08.2016 seeking reconsideration/review by law officer of legal opinion dated 08.06.2016 tendered by the Ministry of Law & Justice with the approval of Minister of Law & Justice. He further seeks direction thereby to quash any consequent steps as well as opinion taken based on the references mentioned above. He further seeks direction to declare legal opinion dated 08.06.2018 tendered by the Ministry of Law & Justice with the approval of the Minister of Law & Justice as final and binding on the respondents.

Learned counsel for the petitioner submits that subsequently the legal opinion taken which is under challenge and based upon which the CBI and Revenue Secretary have filed ***SLP(Crl.) No.10112/2016 titled as Central Bureau Of Investigation vs Ashok Kumar Aggarwal*** and ***SLP(Crl.) No.19908/2016 titled as Revenue Secretary vs. Ashok Kumar Aggarwal & Ors.*** respectively.

He further submits that since the legal opinion dated 08.06.2016 tendered by Ministry of Law and Justice has been approved by Minister of Law & Justice, therefore, subsequent opinion is contrary to the Transaction of Business Rules, 1961 of Government of India.

The fact remains that against the common order dated 13.01.2016 passed in ***W.P.(Crl.) 1401/2002 and Crl.Rev.P. No.338/2014*** is under challenge before the Hon'ble Supreme Court in the cases mentioned above wherein the petitioner herein is also a party and has filed counter affidavit to the aforesaid petitions.

Counsel for the respondents submits that since the petitioner has raised the issues in the counter affidavit filed before the Hon'ble Supreme Court which has been raised in the present petition, therefore, the present petition may be dismissed. Alternatively, this Court may not adjudicate the present petition till the disposal of the SLPs filed by the respondents.

The prayer made in the present petition is that the legal opinion dated 08.06.2016 which has been approved by the Minister of Law & Justice is to be declared as final and binding upon the respondents. But the fact remains that based upon the subsequent opinion, the respondents have filed the SLPs mentioned above and the Hon'ble Supreme Court has seized the matters.

In view of the facts and circumstances recorded above, I hereby dispose

of the present petition giving liberty to the petitioner to take steps available under the law before the Hon'ble Supreme Court.

Copy of the order be given *Dasti* under the signature of the Court Master.

SURESH KUMAR KAIT, J

NOVEMBER 28, 2018/ab