

**Corporate Office
Pension Section, 5th floor
Bharat Sanchar Bhawan
H.C. Mathur Lane,
New Delhi-110001**



भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

No.38-45/2019-Pen (B)

Dated: 19-03-2021

To

**All Heads of Circles/Telecom Districts/ Regions/Projects/
Telecom Stores/Telecom Factories & Other Administrative Offices
Bharat Sanchar Nigam Limited**

Sub: Hon'ble Supreme Court of India judgement dated 28/03/2018 in Criminal Appeal Nos. 1375-1376 of 2013 in the matter of Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. Vs CBI - regarding.

Sir,

BSNL is burdened with a lot of court cases on different types of matter on pan India basis. In some cases, stay has been granted by various courts of law, which sometimes continue over a long period of time, leading to unwanted delay in deciding these cases and also crating administrative problems.

2. In this regard, Central Vigilance Commission (CVC), in its Circular No. 19/12/20, issued guidelines vide letter No. 020/MS/028 dated 22/12/2020 and has forwarded Ministry of Law and Justice's O.M. No. N-17/10/2018-NM dated 13/06/2018, regarding Hon'ble Supreme Court of India judgement dated 28/03/2018 in Criminal Appeal Nos. 1375-1376 of 2013 in the matter of Asian resurfacing of Road Agency Pvt. Ltd. & Anr. Vs CBI (Copies enclosed).

3. Ministry of Law and Justice has pointed out that in the judgement dated 28/03/2018, Hon'ble Supreme Court has ordered for limiting the period of stay granted by a court of law to six (6) months, except in exceptional circumstances. Accordingly, implication of the aforesaid judgement is that where any action by a development agency or an enforcement agency was stayed by a court of law, the same shall stand vacated automatically, after the expiry of 6 months from the date of the order, unless the same is extended by a speaking order. Further, the judgement casts a responsibility on the court granting stay, so that the speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. Also, in such cases where the stay is extended, the trial court has been directed to fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence.

4. Accordingly, all the Telecom Circles/Other Administrative Units/ concerned Branches/Sections/Units of BSNL Corporate Office are requested to keep the Supreme Court's judgement dated 28/03/2018 in view while handling legal/Court matters pertaining to their Circles/Units. It is also requested to all the concerned to take appropriate action in the pending court matters, in consultation with the respective BSNL Panel Advocates, to safeguard the interest of BSNL.

5. Complete judgement of the Hon'ble Supreme Court may be accessed from the Supreme Court's website through the following link :
https://sci.gov.in/supremecourt/2011/27580/27580_judgement_28-Mar-2018.pdf.

Yours faithfully,



(Sudhanshu Shekhar Ray)
Asstt. General Manager (Estt.)
Tele. No. 011-23766036

Enclosures: As above.

Copy to :-

1. PPS to CMD, BSNL
2. PS to Dir (HR)/Dir (F)/Dir (Ent.)/Dir (CFA)/Dir (CM), BSNL Board
3. CVO, BSNL
4. All PGMs/Sr. GMs/GMs of BSNL CO
5. Concerned Branches/Sections/Units of BSNL CO
6. Guard File
7. BSNL CO Intranet Portal



सत्यमेव जयते



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

020 MISC 028

सं./No.....

दिनांक / Dated 22.12.2020

Circular No. 19/12/20

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

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

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

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

4. Complete judgement of the Hon'ble Supreme Court may be accessed from the Supreme Court's website through the link https://scj.gov.in/supremecourt/2011/2/580/27580/Judgement_28-Mar-2018.pdf

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

(Rajiv Verma)
Officer on Special Duty

All Chief Vigilance Officers

Encls: As above.

Ministry of Atomic Energy
Department of Atomic Energy

Jaisalmer House
Rajpath, New Delhi-110011
Dated: the 13th June, 2018


OFFICE MEMORANDUM

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

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

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

The judgement of Hon'ble Supreme Court can be accessed at https://scj.gov.in/supremecourt/2011/27580/27580_judgement_28-Mar-2018.pdf


(Giridhar G. Pai)
Director
Ph: 23072145

Secretary,
Department of Atomic Energy
Chhatrapati Bhawan, Chatrapathi Shivaji
Maharaj Marg, Mumbai - 400001

Copy to: Under Secretary (Legal), Department of Atomic Energy, Mumbai. Copy on portal with
PMO No. 48771-11/PMO/2018-Pe/23072145