IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION
I.A NO _____/2018
IN
WRIT PETITION (CRL.) No. 225/2018

IN THE MATTER OF:

MANOHAR LAL SHARMA .....PETITIONER IN PERSON

VERSUS

NARENDRA DAMODARDAS MODI
AND ORS .... RESPONDENTS

AN APPLICATION FOR CORRECTION FILED ON BEHALF OF UNION OF INDIA, MINISTRY OF DEFENCE

TO

THE HON'BLE THE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF THE

HON'BLE SUPREME COURT OF INDIA

MOST RESPECTFULLY SHOWETH:

1. That This Hon'ble Court has dismissed the writ petition along with other connected writ petitions vide judgement and order dated 14.12.2018, a true copy thereof is annexed herewith and marked Annexure P/1 to this application. [Pg _____ to _____].

2. That the Union of India is moving this application seeking a correction with regard to two sentences in paragraph 25 of the judgment delivered by this Hon'ble Court on 14.12.2018 in the present case. The error in these 2 sentences, as

explained hereinafter, appears to have occurred, perhaps, on account of a misinterpretation of a couple of sentences in a note handed over to this Hon'ble Court in a sealed cover. The observations in the judgment have also resulted in a controversy in the public domain, and would warrant correction by this Hon'ble Court in the interest of justice.

3. That the issue of "pricing" is dealt with in paragraphs 24 to 26 of the judgment. In regard to the pricing details being placed before the Comptroller and Auditor General (CAG), the Public Accounts Committee (PAC) and Parliament, the following statements have been made in paragraph 25 of the judgment:

> "***The pricing details have, however, been shared with Comptroller and Auditor General [hereinafter referred to as "CAG"], and the report of the CAG has been examined by the Public Accounts Committee [hereinafter referred to as "PAC"]. Only a redacted portion of the report was placed before the Parliament and is in public domain."***

4. That these statements appear to have been based on the note submitted by the Union of India, alongwith the pricing details, in two sealed covers. These sealed covers were submitted to this Hon'ble Court in compliance with the order dated 31.10.2018, which had directed, *inter alia*, that the "Court would also like to be apprised of the details with regard to the pricing/cost, particularly the advantage

thereof, if any, which again will be submitted to the Court in a sealed cover".

5. That in the said note, which was in the form of bullet points, the second bullet point carries the following sentences

> *"The Government has already shared the pricing details with the CAG. The report of the CAG is examined by the PAC. Only a redacted version of the report is placed before the Parliament and in public domain".*

6. That it would be noted that what has already been done is described by words in the past tense, i.e. the Government "has already shared" the price details with the CAG. This is in the past tense and is factually correct. The second part of the sentence, in regard to the PAC, is to the effect that "the report of the CAG is examined by the PAC". However, in the judgment, the reference to the word **"is"** has been replaced with the words **"has been"**, and the sentence in the judgment (with regard to the PAC) reads "the report of the CAG **has been** examined by the Public Accounts Committee".

7. The submission by the Union of India, to the effect that the report of the CAG **"is"** examined by the PAC, was a description of the procedure which is followed in the normal course, in regard to the reports of the CAG. The very fact that the present tense "**is**" is used would mean that the

reference is to the procedure which will be followed as and when the CAG report is ready.

8. Similarly, the statement that only a redacted version of the report **"is"** placed before Parliament, is referred to in the judgment as "only a redacted portion of the report **was** placed before the Parliament, and is in public domain".

9. That unfortunately, an element of misinterpretation of the statement made in the note/bullet points handed over on behalf of the Union of India in the sealed cover, appears to have crept in. This has also resulted in a controversy being raised in the public domain.

10. That in this background, it is prayed that this Hon'ble Court may be pleased to direct the following corrections in paragraph 25 of its judgement so that any doubts and or any misunderstanding is not allowed to creep in the judgement of this Hon'ble Court.:-

> The words "*The report of the CAG is examined by the PAC. Only a redacted version of the report is placed before the Parliament and in public domain"* may be substituted in place of "***and the report of the CAG has been examined by the Public Accounts Committee [hereinafter referred to as "PAC"]. Only a redacted portion of the report was placed before the Parliament and is in public domain."***

11. It is also prayed that the matter may be dealt with urgently. The instant application is made bonfide and in the interests of justice.

PRAYER

In the interests of justice and in the facts and circumstances of the case, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to :

(a) To direct the following corrections in paragraph 25 of the judgement:

The words *"The report of the CAG is examined by the PAC. Only a redacted version of the report is placed before the Parliament and in public domain"* be substituted in place of *"and the report of the CAG has been examined by the Public Accounts Committee [hereinafter referred to as "PAC"]. Only a redacted portion of the report was placed before the Parliament and is in public domain."*

(b) Pass such other or further orders which this Hon'ble Court deems just and proper in the ends of justice and in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY

Drawn By: Filed By:

R.BALASUBRAMANIAN A.K.SHARMA

Advocate Advocate On Record

Drawn on 14.12.2018

Filed on 15.12.2018

Place: New Delhi

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AFFIDAVIT

I, Sushil Kumar, Son of Late Sh. R.K.Vasudeva, aged 56 years R/o Flat No 43, North West Moti Bagh, New Delhi-110021 at present working as Deputy Secretary in the Ministry of Defence, Government of India, New Delhi do hereby solemnly state on oath as under:

1. That I am the authorized signatory of the Respondent Union of India in the instant matter as such I am well conversant with the facts and circumstances of the case and I am competent and duly authorised to swear this affidavit.
2. That the accompanying interlocutory Application from Page No ___ to _____ has been drafted by my counsel as per my instructions and understood by me and are true to my knowledge derived from official records of the case. The contents of which may kindly be read as part and parcel of

the present affidavit which are not being reproduced herein to avoid repetition.

3. That the annexure is true copy of its respective original.

DEPONENT

VERIFICATION

That the contents of this affidavit are true and correct based on record. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this ___day of _____2018

DEPONENT