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SC bench headed by new CJI slams decision of just-retired CJI Kabir



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*A PTI file photo of outgoing Chief Justice of India Altamas Kabir with Chief Justice of India (designate) P Sathasivam at a function to bid farewell to the former.*

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NEW DELHI: In an unprecedented development, a bench headed by [Chief Justice P Sathasivam](http://timesofindia.indiatimes.com/topic/Chief-Justice-P-Sathasivam) strongly disapproved of a series of orders passed by a bench headed by his immediate predecessor [Altamas Kabir](http://timesofindia.indiatimes.com/topic/Altamas-Kabir) granting relief to [Jaiprakash Associates Ltd](http://economictimes.indiatimes.com/jaiprakash-associates-ltd/stocks/companyid-1481.cms%22%20%5Ct%20%22_blank) (JAL) by virtually sitting in appeal over the order of another bench of the apex court which had declined to give concession to the construction and infrastructure group.

The orders passed by the bench headed by the ex-CJI helped the company dodge depositing Rs 100 crore as penalty that [Himachal Pradesh high court](http://timesofindia.indiatimes.com/topic/Himachal-Pradesh-high-court) had slapped on it in May last year for misrepresenting facts for securing clearances to set up a cement plant.

While an SC bench headed by Justice A K Patnaik in November last year refused to stay the HC order and asked the company to meet the deadline for depositing the penalty, the bench led by ex-CJI Kabir passed orders enabling the company to defer paying the fine, before staying the HC order.

"We do not approve of the manner in which the interim orders came to be passed. We do not sit on appeal over orders passed by a coordinate bench. These orders should not have been passed," a bench of CJI Sathasivam and Justice Ranjan Gogoi said on Wednesday as it rejected JAL's plea for extension of deadline for payment of Rs 25 crore as this year's installment for the Rs 100 crore penalty.

Despite senior advocate A M Singhvi making attempts to defend JAL, the bench of Justices Sathasivam and Gogoi made no secret of its strong displeasure over the manner in which the matter had been taken up and interim orders passed, which were in direct conflict with earlier orders of the apex court.

"We are clear in our mind about what has happened," the bench said when Singhvi alleged that Sanjay Parikh, the counsel for the NGO which challenged JAL's cement plant, was trying to confuse the matter by referring to different orders.

Appearing before Justices Sathasivam and Gogoi, Parikh narrated the sequence of orders and wondered whether the ex-CJI headed benches could have sat in appeal over the orders passed by a coordinate bench.

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