

ITEM NO.19 Court 6 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.725/2017

NIPUN MALHOTRA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln.(s) for IA Nos.41354/2018 & 76693/2017 - STAY)

Date : 26-10-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) **Mr. Pinaki Misra, Sr. Adv.**
 Mr. Jai Dehadrai, Adv.
 Mr. Sidharth Arora, Adv.
 Mr. Sameer Shrivastava, AOR

For Respondent(s) **Mr. K.K. Venugopal, AG**
 Mr. Sanjay Jain, ASG
 Ms. Nisha Bagchi, Adv.
 Mr. Zoheb Hussain, Adv.
 Ms. Vishaka, Adv.
 Mr. B. Krishna Prasad, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 The application for intervention on behalf of Ms Manasi Joshi is allowed.
- 2 The application for impleading the GST Council is allowed. The amendment be carried out within a period of two weeks. Notice shall issue to the newly impleaded respondent.

- 3 Mr K K Venugopal, Attorney General for India has, in pursuance of the previous hearing, assisted the Court. The Learned Attorney General states that after a detailed discussion with the Secretary - Revenue, it has been found that it may not be possible to accede to the request of the petitioners that an exemption from tax be granted on 'mobility devices' because of the policy implications. However, he submitted that the petitioner may move a representation before the GST Council.
- 4 Mr Pinaki Misra, learned senior counsel appearing on behalf of the petitioner states that he would wish to press the petition. However, he submitted that since the petition under Article 32 of the Constitution has been instituted in the public interest to safeguard the interests of a large number of similarly situated disabled persons, who have to suffer a tax on mobility devices, at this stage he would move a representation with the GST Council.
- 5 The Attorney General states that there could be no objection to the petitioner pursuing a representation.
- 6 The counter affidavit(s) be filed within two months.
- 7 List the Writ Petition for final disposal, in March 2021.

(Chetan Kumar)
A.R. -cum-P.S.

(Saroj Kumari Gaur)
Court Master