

ITEM NO.43

COURT NO.1

SECTION III-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).897/2002

STATE OF U.P.

Appellant(s)

VERSUS

JAI BIR SINGH

Respondent(s)

[TO BE TAKEN UP AT TOP OF THE BOARD]

IA No. 195443/2023 - EARLY HEARING APPLICATION

IA No. 211737/2024 - EARLY HEARING APPLICATION

IA No. 2/2006 - IMPLEADMENT FILED BY MR. ANUPAM LAL DAS, ADVOCATE

IA No. 4/2016 - IMPLEADMENT FILED BY MR. P. RAMESH KR., ADVOCATE

IA No. 126561/2024 - INTERVENTION APPLICATION

IA No. 91381/2024 - INTERVENTION APPLICATION

IA No. 248201/2023 - INTERVENTION APPLICATION

IA No. 237368/2023 - INTERVENTION APPLICATION

IA No. 3/2007 - INTERVENTION APPLICATION

IA No. 163742/2024 - INTERVENTION APPLICATION

WITH

C.A. No. 4646/2007 (IV)C.A. No. 3647/2007 (IV)SLP(C) No. 1112/2009 (IV-C)C.A. No. 3920/2010 (III-A)C.A. No. 3119/2011 (XV)CONMT.PET.(C) No. 118/2024 in C.A. No. 4569/2002 (III-B)

FOR ADMISSION

C.A. No. 6114/2001 (III-A)C.A. No. 6108/2002 (III-A)C.A. No. 1276/2001 (IV)C.A. No. 1279/2001 (IV)C.A. No. 1278/2001 (IV)C.A. No. 6471/2002 (III)C.A. No. 2506/2002 (III-A)C.A. No. 8597/2001 (III-A)C.A. No. 4569/2002 (III-B)

IA No. 13146/2020 - CLARIFICATION/DIRECTION

IA No. 13147/2020 - EXEMPTION FROM FILING O.T.

C.A. No. 5101/2002 (XII-B)C.A. No. 2409/2002 (IV)SLP(C) No. 20982/2002 (XVII-B)C.A. No. 355-358/2003 (XII-A)SLP(C) No. 14085/2004 (IV-B)SLP(C) No. 11291/2004 (IV-B)SLP(C) No. 14127/2004 (IV-B)C.A. No. 812/2005 (IV)

FOR EARLY HEARING APPLICATION ON IA 92640/2025

IA No. 92640/2025 - EARLY HEARING APPLICATION

C.A. No. 7994/2004 (IV)
SLP(C) No. 4139/2005 (IV-B)
C.A. No. 1274/2007 (XII-B)
C.A. No. 1273/2007 (XII-B)
C.A. No. 1311-1312/2008 (III-A)
SLP(C) No. 16301/2007 (XI)
SLP(C) No. 3107/2008 (IV-C)
SLP(C) No. 4327/2008 (IV-C)
SLP(C) No. 4329/2008 (IV-C)
SLP(C) No. 4328/2008 (IV-C)
C.A. No. 296/2008 (III)
SLP(C) No. 16276/2008 (IV-B)
SLP(C) No. 17224/2008 (IX)
C.A. No. 5519/2012 (XI-B)
 IA No. 45076/2019 - STAY APPLICATION
C.A. No. 5681/2010 (III-A)
S.L.P.(C)...CC No. 7990/2009 (XI)
C.A. No. 7757/2011 (III-B)
C.A. No. 1131/2012 (III-A)
C.A. No. 8149-8151/2012 (XII-A)
C.A. No. 4505-4506/2013 (XII-B)
C.A. No. 4507-4508/2013 (XII-B)
SLP(C) No. 12679-12682/2014 (XII)
SLP(C) No. 1857/2016 (IX)
SLP(C) No. 14156/2021 (XI-A)

Date : 16-02-2026 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE JOYMALYA BAGCHI
 HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

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

1. The instant appeals have been referred to a Nine-Judge Bench to consider the correctness of the judgment rendered by a Seven-Judge Bench in Bangalore Water Supply and Sewerage Board vs. A. Rajappa, (1978) 2 SCC 213 and concomitantly to also re-consider the interpretation of the expression "industry" as defined in Section 2(j) of the Industrial Disputes Act, 1947 (for short, 'the ID Act'). A Nine-Judge Bench, to be constituted by Hon'ble the Chief Justice of India separately, through an administrative order, in our considered opinion, will have to adjudicate the following broad issues:

(i) Whether the test laid down in paragraphs 140 to 144 in the opinion rendered by Hon'ble Mr. Justice V.R. Krishna Iyer in Bangalore Water Supply and Sewerage Board's case (supra) to determine if an undertaking or enterprise falls within the definition of "industry" lays down correct law? And whether the Industrial Disputes (Amendment) Act, 1982 (which seemingly did not come into force) and the Industrial Relations Code, 2020 (with effect from 21.11.2025) have any legal impact on the interpretation of the expression "industry" as contained in the principal Act?

(ii) Whether social welfare activities and schemes or other enterprises undertaken by the Government Departments or their instrumentalities can be construed to be "industrial activities" for the purpose of Section 2(j) of the ID Act?

(iii) What State activities will be covered by the expression "sovereign function", and whether such activities will fall outside the purview of Section 2(j) of the ID Act?

(iv) Any other issue(s) that may arise during the

course of hearing before the Nine-Judge Bench.

2. Keeping in mind the order dated 12.10.2023, whereby notice was issued to the Union of India as a newly impleaded respondent along with a direction to the parties to put together a common compilation of submissions, pleadings, documents and precedents by 20.11.2023, we are of the considered view that a substantial part of the case management required for final hearing of these appeals already stands completed.

3. That being so, and in the light of the questions formulated above, we grant further opportunity to the parties to update their written submissions or submit fresh consolidated written submissions on or before 28.02.2026. In this regard, the Nodal Counsel, Ms. Arushi Singh and Mr. Satwik Mishra, already appointed by this Court vide order dated 12.10.2023, shall provide their assistance and facilitate submissions before the Bench by putting together a fresh common compilation of submissions, pleadings, documents and precedents.

4. The Nine-Judge Bench will commence hearing on 17.03.2026 at 10.30 A.M., and the same shall be concluded on 18.03.2026.

5. The appellant(s) will be granted, tentatively, four hours of actual Court time to complete their oral submissions. The contesting respondents shall be granted, tentatively, three hours time to complete their oral submissions. We will also consider providing one additional hour to the appellant(s) for their rejoinder submissions.

6. The Nodal Counsels, in consultation with the arguing Senior Counsels/other counsels, shall prepare an internal arrangement amongst the arguing counsels with an endeavour to ensure that the arguments are completed within the stipulated timeline.

7. The parties shall follow the Circular No.F.No.9/Judl./2024, dated 03.04.2024, issued by the Registry while making compilation of the volumes, and other miscellaneous directions.

8. Contempt Petition (C) No.118/2024 in C.A. No.4569/2002 is ordered to be de-tagged from this batch of matters.

9. All interlocutory applications seeking early hearing are, accordingly, disposed of.

10. All interlocutory applications seeking intervention/impleadment are also disposed of with liberty to the applicants to intervene and assist the Bench. Ordered accordingly.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR

LawChakra.in