

IN THE SUPREME COURT OF INDIA

APPELLATE JURISDICTION / LANDMARK PRECEDENT

High Court Bar Association, Allahabad v. State of U.P.

Registry Status : REPORTED PRECEDENT -- OFFICIAL RECORD

1. EXECUTIVE SUMMARY & KEY HIGHLIGHTS

In a historic unanimous 5-Judge Constitution Bench ruling, the Supreme Court overruled its previous 2018 verdict in *Asian Resurfacing of Road Agency (P) Ltd. v. CBI*, definitively holding that constitutional courts cannot mandate the automatic vacation of interim stay orders by lapse of time without judicial application of mind. The Court held that Article 142 cannot be used to make judicial legislation or circumscribe the high constitutional powers of High Courts under Article 226. An interim stay granted after hearing parties remains in force until specifically modified, vacated, or finalized after a hearing.

- * **Overruling Asian Resurfacing (2018):** Striking down the 6-month automatic stay vacation rule as unconstitutional, arbitrary, and an impermissible judicial usurpation of legislative power.
- * **Limits of Article 142:** Inherent powers under Article 142 cannot be exercised to bypass natural justice, ignore statutory provisions, or prejudice litigants without a hearing.
- * **Autonomy of High Courts:** Reaffirming that High Courts are independent constitutional courts of plenary jurisdiction and are not administratively subordinate to the Supreme Court.
- * **Preservation of Judicial Discretion:** Emphasizing that stay orders can only be vacated through a reasoned judicial order passed after hearing the affected parties on merits.
- * **Deference to Subordinate Courts:** Subordinate trial courts cannot ignore High Court stay orders based on mechanical time limitations.

2. FACTUAL MATRIX & IMPUGNED PROCEEDINGS

The legal controversy originated from directions issued by a 3-Judge Bench of the Supreme Court in *Asian Resurfacing of Road Agency (P) Ltd. v. CBI* (2018) 13 SCC 10, wherein the Court mandated that in all pending civil and criminal matters where a stay of proceedings had been granted, such stay would automatically stand vacated after six months unless specifically extended by a reasoned, speaking order.

Following the 2018 ruling, trial courts across India began mechanically treating High Court stay orders as expired upon the completion of 180 days, proceeding with trials and framing charges even while quashing petitions under Section 482 CrPC were awaiting hearing before High Courts.

The High Court Bar Association, Allahabad filed an appeal highlighting the grave crisis generated in High Courts with heavy dockets, where litigants who had established a prima facie case of abuse of process were stripped of protection without any hearing simply due to infrastructural listing delays.

Recognizing the fundamental constitutional friction between Article 142 powers and the plenary jurisdiction of High Courts under Articles 226 and 227, a 3-Judge Bench on 1 December 2023 referred the matter to a 5-Judge Constitution Bench for definitive authoritative resolution.

5. POINTS OF LAW FRAMED & ANSWERED

Legal Issue Framed	Supreme Court's Holding
Can the Supreme Court under Article 142 direct automatic vacation of interim stay orders granted by High Courts upon expiry of six months?	No. The Supreme Court held that Article 142 cannot supplant procedural fairness or impose automatic sunset clauses stripping litigants of interim protection without a hearing.
Does automatic vacation of stay orders encroach upon the constitutional autonomy of High Courts under Article 226?	Yes. High Courts are independent constitutional courts of record and not subordinate courts; their plenary writ powers cannot be fettered by blanket administrative directions.

What is the legally valid procedure for vacating an interim stay granted in civil or criminal proceedings?	An interim order can only be vacated, varied, or modified through a specific judicial order passed by the competent court after applying its mind to the merits and hearing the affected parties.
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6. STATUTORY FRAMEWORK & MODERN LEGISLATIVE ALIGNMENT

Precedent Reference / Former Statute	Modern Act (BNSS / BNS / BSA / CPA)	Doctrinal & Procedural Analysis
CrPC Section 482 (Inherent Powers)	BNSS Section 528	Inherent powers of the High Court to prevent abuse of judicial process are preserved in identical terms under BNSS Section 528; cannot be circumscribed by mechanical stay expiry rules.
Constitution Article 142 (Complete Justice)	Constitution Article 142	Extraordinary power to do complete justice cannot be exercised to enact subordinate legislation or override principles of natural justice.
Constitution Article 226 / 227 (Writ Powers)	Constitution Article 226 / 227	High Court powers are plenary and constitutional; Supreme Court reaffirmed that High Courts are not subordinate to the Apex Court.
CPC Order XXXIX Rules 1, 2, 4 (Interim Relief)	CPC Order XXXIX Rules 1, 2, 4	Civil stay/injunction vacation requires formal application and judicial consideration on merits under Rule 4, rather than automatic statutory lapse.

7. SUBSEQUENT JUDICIAL TREATMENT & LINEAGE

- * Asian Resurfacing of Road Agency (P) Ltd. v. CBI (2018) 13 SCC 10:Expressly overruled by the 5-Judge Constitution Bench.
- * CBI v. Kapil Wadhawan (2024) 3 SCC 734:Cited regarding the primacy of statutory procedural safeguards over judicial expediency.
- * Prabir Purkayastha v. State (NCT of Delhi) (2024) 8 SCC 117:Followed regarding the absolute necessity of procedural due process prior to depriving citizens of statutory or constitutional protections.

8. PRACTICAL LITIGATION PLAYBOOK & STRATEGIC CHECKLIST

- * Do Not Rely on Subordinate Courts Moving Mechanically:Never advise trial courts to proceed with framing charges or trial merely because six months have elapsed from a High Court stay order.
- * File Formal Vacation Applications in High Court:If an accused is misusing a Section 528 BNSS / 482 CrPC stay to stall trial, file a reasoned application showing bad-faith delay and seek early listing on merits.
- * Highlight Prejudice to Victims:Demonstrate in the vacation petition specific prejudice to victims, risk of evidence dissipation, or witness intimidation.
- * Tender Certified Stay Copy to Subordinate Court Record:Immediately place certified copies of High Court stay orders on trial court record with an explicit memo citing High Court Bar Association (2024).
- * Resist Trial Court Coercion:If a trial court attempts to schedule trial hearings invoking elapsed time, immediately file a pursis/memo placing this Constitution Bench precedent on record.
- * Maintain Readiness in High Court:Keep quashing petitions and revisions updated; ensure counsel is present upon listing so the prosecution cannot allege delay tactics.