

SECTION-IX  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 5256 OF 2006  
WITH PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NO. 1 OF 2006

(Application for condonation of delay in filing SLP)

WITH

INTERLOCUTORY APPLICATION NO. 6 OF 2008

(Application for directions/Clarification of Order dated 08.02.2008 filed by Ms. Meenakshi Arora, Advocate for the petitioner.)

WITH

INTERLOCUTORY APPLICATION NO. 11 OF 2010

(Application for Directions filed by Ms. Meenakshi Arora, Advocate for the petitioner)

WITH

INTERLOCUTORY APPLICATION NO. .... OF 2010

(Application for Directions filed by Mr. B. K. Prasad, Advocate for proposed party Union of India )

WITH

INTERLOCUTORY APPLICATION NO. 12 OF 2011

(Application to bring on record the subsequent facts and events and further directions filed by Ms. Meenakshi Arora, Advocate for the petitioner)

WITH

INTERLOCUTORY APPLICATION NO. 13 OF 2011

(Application for permission to file additional affidavit in I. A. No. 12 filed by Ms. Meenakshi Arora, Advocate for the petitioner)

WITH

INTERLOCUTORY APPLICATION NO. 14 OF 2011

(Application for Directions filed by Mr. E. C. Agrawala, Advocate for R.No. 1)

WITH

INTERLOCUTORY APPLICATION NO. .... OF 2011

(Application for permission to file additional affidavit filed by Ms. Meenakshi Arora, Advocate for the petitioner)

WITH

INTERLOCUTORY APPLICATION NO. 15 OF 2012

(Application for recording one time settlement and necessary Directions filed by Mr. Anil Kumar Sangal, Advocate for R.No. 3.) AND

INTERLOCUTORY APPLICATION NO. 16 OF 2013

(Application for directions filed by Ms. Hemantika Wahi, Advocate for R.No. 5)

JAGODIA POLYMERS PVT. LTD.

...PETITIONER

-VERSUS-

BHAVNAGAR DISTRICT COOP. BANK. LTD. AND OTHERS

....RESPONDENTS

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 03<sup>rd</sup> March, 2006 along with other connected matter, when the Court was pleased to pass the following Order:-

“ Counsel for the petitioners states that the value of the ship has already been considerably reduced. If the litigation is prolonged, nothing will be saved for the benefit of any of the parties. She, therefore, submits that the ship may be broken under the supervision of a person nominated by the Court. Apart from the cost of breaking the ship, the rest of the amount may be deposited in Court to be given to the party that ultimately succeeds.

Issue notice. ”

It is submitted for information of the Hon'ble Court that connected matter SLP(C) No. 5258 of 2006 has been dismissed on default vide Hon'ble Court's Order dated 02<sup>nd</sup> March, 2009. Thereafter I.A. No. 6 i.e. application for directions / clarification of Court's Order dated 08.02.2008 along with other I.As was listed before the Hon'ble Court on 20<sup>th</sup> October, 2008, when the Court was pleased to pass the following Order:-

“ IA.6

Let this application stand adjourned by a period of four weeks for the present, with leave to the petitioner to make an application for impleading the Gujarat Maritime Board as party to the proceedings.

In the meantime, since it is pointed out by the parties that there is no Court Receiver attached to the Court, we modify our order of 8<sup>th</sup> February, 2008 to the extent that the Registrar General of the Gujarat High Court shall in place of the Court Receiver, act as chairman of the committee constituted by our order of 08.02.2008, and that the petitioner shall deposit the amount of Rs. 25 Lakhs, as indicated in the order, with the Registrar General, of the Gujarat High Court, who shall arrange to have the same invested in a short-term fixed deposit and to keep the same renewed, until further orders.”

It is submitted that report of the Committee has been received from the High Court and the same has already been included in the paper books.

It is further submitted that M/s. Gujarat Maritime Board has been impleaded as party respondent no. 5 vide Court's Order dated 2<sup>nd</sup> March, 2009 passed in I.A. No. 9.

It is submitted for information of the Hon'ble Court that there are five respondents in the matter. Their service position is as follows:-

<b>R.No.</b>	<b>Representation</b>	<b>Whether Counter Affidavit has been filed or not in the SLP.</b>
1	Represented by Mr. E.C. Agrawala, Advocate	Reply Affidavit has been filed and has already been included in the paper books.
2.	Represented by Ms. Shilpa Singh, Advocate	-
3	Represented by Mr. Anil Kumar Sangal, Advocate	Reply Affidavit has been filed on behalf of the then respondent No. 3 i.e. State Bank of Bikaner and Jaipur which has been deleted and substituted as M/s. AEREC (India) Ltd. Vide Court's Order dated 20.10.2008.
4.	Represented by Mr. Anupam Lal Das, Advocate	-
5.	Represented by Ms. Hemantika Wahi, Advocate	Affidavit has been filed and has already been included in the paper books.

It is further submitted that counsel for the petitioner has filed Rejoinder Affidavits to the Reply Affidavits of Respondent Nos. 1 and 3 & the same have already been included in the paper books.

.....4/-

APPLICATIONS FILED IN THE INSTANT MATTER

<b>I.No.</b>	<b>PARTICULARS</b>	<b>Whether included or not</b>
1 of 2006	Application for condonation of delay in filing SLP.	Already included in the paper books.
6 of 2008	Application for Directions / Clarification of Order dated 08.02.2008 filed by Ms. Meenakshi Arora, Advocate for the petitioner.	Already included in the paper books.
11 of 2010	Application for Directions filed Ms. Meenakshi Arora, Advocate for the petitioner	Already included in the paper books.
Unregd.	<p>Application for directions filed by Mr. B.K. Prasad, Advocate</p> <p>Defective for the reasons that :-</p> <p>No Vakalatnama and Appearance has been filed in support of the application on behalf of the proposed party i.e. Union of India.</p> <p>The application has not been served on the other side advocates. Defects not cured so far.</p>	However, already included in the paper books.

Contd....5/-

<b>I.No.</b>	<b>PARTICULARS</b>	<b>Whether included or not</b>
12 of 2011	(Application to bring on record the subsequent facts and events & further directions) filed by Ms. Meenakshi Arora, Advocate for the petitioner.	Already included in the paper books.
13 of 2011	(Application for permission to filed additional affidavit in I.A. No. 12) filed by Ms. Meenakshi Arora Advocate for the petitioner.	Already included in the paper books.
14 of 2011	(Application for directions) filed by Mr. E.C. Agrawala, Advocate for R.No. 1.	Already included in the paper books
Unregd.	(Application for permission to file additional affidavit along with additional affidavit) filed by Ms. Meenakshi Arora, Advocate for the petitioner.  Defective for the following reasons:-  Annexure in support of the application is dim in impression but counsel has not done the needful despite this Regsitry's letter dated 12.09.2011.	However, already included in the paper books.
15 of 2012	(Application for recording one time settlement and necessary directions) filed by Mr. Anil Kumar Sangal, Advocate for respondent no. 3	Already included in the paper books.

Thereafter the I. A. No. 15 of 2012 i.e. Application for recording one time settlement and necessary directions in the matter above mentioned was listed before the Hon'ble Court on 8<sup>th</sup> February, 2013, when the Court was pleased to pass the following Order:-

- “1. IA No. 15 of 2012, has been filed on behalf of the respondent No.3, M/s. ASREC(India) Ltd. for recording of a One Time Settlement and appropriate directions. IA.No.12 of 2011, has been filed on behalf of the petitioner to bring on record subsequent facts and events and further directions. The same is taken on board.
2. Let notice issue on the said applications. Since the respondents are duly represented, service of notice is dispensed with. Copies of the said applications may, however, be served on the learned advocates appearing for the respective parties.
3. We are informed by Ms. Meenakshi Arora, learned advocate appearing for the petitioner, that an approximate sum of ` 3.07 Crores has been deposited towards the cost of ship-breaking; an additional ` 50 Lakhs has been encashed from the Bank Guarantee submitted by them and ` 5 Lakhs has been paid to the Gujarat Maritime Board, which has been recovered by the Committee.
4. On behalf of the Gujarat Maritime Board, as also respondent No.1/Bank, objections have been taken with regard to the filing of the One Time Settlement.
5. Let these applications be heard along with the Special Leave Petition, which we are informed is listed for final disposal in the month of March, 2013. In the event the date has been fixed later, the same be pre-poned and the matter be listed in the month of March, 2013.
6. The respondents will be entitled to file their respective response to the said applications within four weeks from date.”

It is submitted that Ms. Hemantika Wahi, Advocate for respondent no. 5 has filed Reply Affidavit to I.A.No. 15 of 2012 and the same has already been included in the paper books.

It is further submitted that Ms. Meenakshi Arora, counsel for the petitioner has filed reply to I.A.No. 15 of 2012 and the same has already been included in the paper books.

And lastly, the matter above mentioned was listed before the Hon'ble Court on 22nd November, 2013, when the Court was pleased to pass the following Order:-

- “ List on a non-miscellaneous day in the month of March, 2014.”

<b>I.No.</b>	<b>PARTICULARS</b>	<b>Whether included or not</b>
16 of 2013	(Application for directions filed by Ms. Hemantika Wahi, Advocate for Respondent No. 5  Mr. Rajan Narayan, Advocate for the petitioner has filed reply to the said application and the same has been included in the paper books of I.A. as Page Nos. 54 to 83.	Included

Service of notice is complete.

The matter along with applications above mentioned is listed before the Hon'ble Court with this Report.

Dated this the 02nd day of January, 2016.

ASSISTANT REGISTRAR

Copy to:

Ms. Rajan Narayan, Advocate  
Ms. Shilpa Singh, Advocate  
Mr. Anil Kumar Sangal, Advocate  
Mr. E.C. Agrawala, Advocate  
Mr. Anupam Lal Das, Advocate

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ASSISTANT REGISTRAR