

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

Writ Petition(s) (Civil) No(s). 188/2004

M/S. RAIGANJ CONSUMER FORUM

Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

Respondent(s)

WITH

T.C. (C) Nos.19/2005, 24/2005, 2/2004, 1/2004, 3/2004, 10/2004, 59/2003, 60/2003, 68/2003, 69/2003, 70/2003, 71/2003, 72/2003, 73/2003, 74/2003, 76/2003, 77/2003, 78/2003, 79/2003, 80/2003, 81/2003, 58/2005, 83/2003, 84/2003, 85/2003, 86/2003, 88/2003, 89/2003, 90/2003, 91/2003, 92/2003, 93/2003, 94/2003, 49/2005, 97/2003, 50/2005, 98/2003, 51/2005, 53/2005, 101/2003, 54/2005, 102/2003, 55/2005, 103/2003, 56/2005, 104/2003, 57/2005, 105/2003, 107/2003, 109/2003, 110/2003, 111/2003, 112/2003, 115/2003, 116/2003, 117/2003, 118/2003, 119/2003, 120/2003, 121/2003, 122/2003, 123/2003, 125/2003, 126/2003, 128/2003, 129/2003, 130/2003, 131/2003, 132/2003, 133/2003, 134/2003, 135/2003, 136/2003, 137/2003, 138/2003, 139/2003, 140/2003, 141/2003, 142/2003, 143/2003, 144/2003, 147/2003, 148/2003, 149/2003, 151/2003, 152/2003, 153/2003, 155/2003, 156/2003, 157/2003, 158/2003, 159/2003, 160/2003, 161/2003, 162/2003, 163/2003, 164/2003, 165/2003, 166/2003, 167/2003, 169/2003, 170/2003, 171/2003, 172/2003, 173/2003, 174/2003, 175/2003, 176/2003, 177/2003, 178/2003, 179/2003, 180/2003, 181/2003, 182/2003, 183/2003, 184/2003, 185/2003, 186/2003, 187/2003, 188/2003, 189/2003, 190/2003, 191/2003, 192/2003, 193/2003, 194/2003, 195/2003, 197/2003, 198/2003, 199/2003, 200/2003, 202/2003, 203/2003, 204/2003, 205/2003, 206/2003, 207/2003, 208/2003, 209/2003, 210/2003, 211/2003, 212/2003, 213/2003, 214/2003, 216/2003, 217/2003, 218/2003, 219/2003, 220/2003, 221/2003, 222/2003, 223/2003, 224/2003, 225/2003, 228/2003, 229/2003, 230/2003, 231/2003, 232/2003, 233/2003, 234/2003, 235/2003, 236/2003, 237/2003, 238/2003, 239/2003, 240/2003, 241/2003, 242/2003, 243/2003, 244/2003, 245/2003, 247/2003, 248/2003, 249/2003, 251/2003, 252/2003, 254/2003, 255/2003, 256/2003, 257/2003, 258/2003, 259/2003, 260/2003, 261/2003, 262/2003, 95/2003, 124/2003, 146/2003, 201/2003, 215/2003, 226/2003, 227/2003, 82/2003 and 154/2003

MA 151/2018 in T.C. (C) No. 2/2004

(IA No.8286/2018-CLARIFICATION/DIRECTION)

Date : 09-05-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For the appearing parties:

Mr. Dushyant Dave, Sr. Adv.
Mr. Shantanu Bhawmik, Adv.
Mr. Ranjan Mukherjee, AOR
Mr. Daniel Stone Lyngdoh, Adv.
Mr. K.V.Khar Lyngdoh, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Rakesh Khanna, Sr. Adv.
Mr. B.H.Marlapalle, Sr. Adv.
Mr. A.K.Chawdhary, Adv.
Mr. Mike Desai, Adv.
Mr. Vinay Rajput, Adv.
Mr. Ajay Chawdhary, Adv.
Mr. Mohit Nagar, Adv.
Mr. Ajit Wagh, Adv.
Mr. Ranjan Mukherjee, AOR
Ms. Drishti Rathore, Adv.

Mr. Tushar Mehta, ASG
Mr. Bhargava V. Desai, AOR
Mr. Akshat Malpani, Adv.

Mr. Abhishek M. Singhvi, Sr. Adv.
Mr. Ranjit Kumar, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Aman Vachher, Adv.
Ms. Tushara James, Adv.
Mr. Ashutosh Dubey, Adv.
Mr. Avishkar Singhvi, Adv.
Mr. Dhiraj, Adv.
Ms. Drishti S. Rathore, Adv.
Mr. Abhishek Chauhan, Adv.
Ms. Anshu Vachher, Adv.
Mr. Arun Nagar, Adv.
Mr. P. N. Puri, AOR

Mr. Vikas Singh, Sr. Adv.
Mr. Anil K. Sharma, Adv.
Mr. Rajesh Sharma, Adv.
Mr. Rajeev Kumar Gupta, Adv.
Ms. Nidhi Singh Dubey, Adv.
Mr. Shafiq Khan, Adv.
Ms. Shalu Sharma, AOR

Mr. Sanjiv Sen, Sr. Adv.
Mr. Harpal Singh Saini, Adv.
Mr. Rahul Arya, Adv.
Mr. Sayan Ray, Adv.
Mr. Gaurav Dhingra, Adv.

Mr. Mohan Jain, Sr. Adv.
Mr. Vikram Jain, Adv.
Mr. Anup Kumar Mishra, Adv.
Ms. Archana Maharaj, Adv.
Dr. M.K. Ravi, Adv.
Ms. Tanuj Bagga, AOR

Mr. K. Radhakrishna, Sr. Adv.
Mr. Bhuvan Mishra, Adv.
Ms. Gargi Khanna, Adv.
Mrs. Anil Katiyar, AOR

Ms. Suruchii Aggarwal, AOR
Mr. Prashant Chauhan, Adv.

Mr. Somnath Mukherjee, AOR

Mr. P. D. Sharma, AOR

Ms. Anubha Agrawal, Adv.

Dr. Kailash Chand, AOR

Mr. Naresh Bakshi, AOR

Ms. Minakshi Vij, AOR

Mr. R. C. Kaushik, AOR

Mr. Siddhartha Chowdhury, AOR

Mr. Ramesh Babu M. R., AOR

Mr. A. P. Mohanty, AOR

Mr. Arun K. Sinha, AOR

Mr. B. K. Pal, AOR

Ms. Chitra Markandaya, AOR

Mr. D. N. Goburdhan, AOR

Ms. Varsha Singh Choudhry, Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. S.K. Rajora, Adv.

For Mr. Kusum Chaudhary, AOR
Mr. M. C. Dhingra, AOR
Mr. Surya Kant, AOR
Mr. Tara Chandra Sharma, AOR
Mr. Ugra Shankar Prasad, AOR
Mr. Somnath Mukherjee, AOR
Mr. Ranjan Mukherjee, AOR
Mr. Yash Pal Dhingra, AOR
Ms. Minakshi Vij, AOR
Mr. Ashok Kumar Singh, AOR
Mr. K. S. Rana, AOR
Mr. Vishwajit Singh, AOR
Mr. Abhijit Sengupta, AOR
M/S. K J John And Co, AOR
Mr. G. Ramakrishna Prasad, AOR
Dr. Kailash Chand, AOR
Mr. Ashwani Kumar, AOR
Mr. Rameshwar Prasad Goyal, AOR
Mr. Ajay Sharma, AOR
Mr. Alok Gupta, AOR
Mr. S. Ravi Shankar, AOR
M/S. K. Ramkumar & Associates, AOR
M/S. Ap & J Chambers, AOR
Mr. R. Gopalakrishnan, AOR
Mr. Shailendra Bhardwaj, AOR
Ms. Ranjeeta Rohatgi, AOR
Mr. Shree Pal Singh, AOR

Ms. Sunita Sharma, AOR

Mr. Chander Shekhar Ashri, AOR

Mrs. S. Usha Reddy, AOR

Mr. Jatinder Kumar Sethi, Adv.

Mr. Ashutosh Kumar Sharma, Adv.

Mr. Jatinder Kumar Bhatia, AOR

Mr. Rana Ranjit Singh, AOR

Mr. Arun Kumar Beriwal, AOR

Mr. Sudhir Kumar Gupta, AOR

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

A copy of the affidavit given in Court by the Principal Commissioner, Income Tax, Chandigarh is taken on record.

Mr. Dipinder Singh, Secretary, Revenue Department, Government of Punjab is present. A copy of the affidavit given in Court on behalf of the Government of Punjab furnishing the particulars of the surplus land is taken on record. The appearance of the officer is dispensed with.

Mr. Vinod Prasad Raturi, Secretary, Revenue Department, Government of Uttarakhand is present. A copy of the affidavit given in Court by the Government of Uttarakhand furnishing the particulars of the surplus land is taken on record. The presence of the officer is dispensed with until further orders.

Any of the parties to these writ petitions are free to respond to the reports filed by the States of Punjab and Uttarakhand as also to the affidavit filed by the Principal Commissioner of Income Tax, Chandigarh.

The Registry is directed to verify the Bank Guarantee.

By our order dated 11th April, 2018, we recorded that the best offer for purchase of the properties reached upto Rs.721,00,00,000/- (Rupees seven hundred and twenty one crores). It was also made clear that a further opportunity will be available to those who are otherwise interested to participate in the auction on 2nd May, 2018. The Committee was also directed to give wide publicity for the proposed auction to be held on 2nd May, 2018 so that others, if interested, could participate subject to the deposit/bank guarantee for an amount of Rs.721,00,00,000/- (Rupees seven hundred and twenty one crores). The matter was taken up on 2nd May, 2018. It was noted that nobody was clear as to the extent and the items of properties. Therefore, this Court directed the Committee to furnish a list of properties showing the available particulars.

Accordingly, the Committee has filed a compliance report furnishing the details of properties available for

sale. The available details include nature of the land/building, location, approximate area, Collector's rate and the valuation. We direct the Committee to upload the particulars of the properties furnished to this Court by their compliance report dated 3rd May, 2018 on their website forthwith.

Post these matters on 17th May, 2018.

We make it clear that anybody who is interested in participating in the auction in respect of the properties, particulars of which are available on the website of the Committee, shall be present in Court on that day and deposit or furnish bank guarantee for Rs.722,00,00,000/- (Rupees seven hundred and twenty two crores) with the Registry on or before 4 p.m. on 16th May, 2018.

We further make it clear that in case anybody is interested in gathering any more information, they are free to approach the Committee regarding the same. The auction will be conducted on 'as is where is basis' condition. It is also made clear that auction will be on the principle of caveat emptor, meaning thereby that whatever be the deficiencies in the title and whatever be the litigation in respect of the properties, all that the buyers will have to take care of. It is also made clear that this will include the disputes on surplus land as well.

We direct the Committee to give wide publicity to this order with the relevant part of this order. We also direct the Committee to publish the details of the properties as furnished to this Court in their affidavit dated 3rd May, 2018 as part of the advertisement.

(ANITA MALHOTRA)
COURT MASTER

(RENU DIWAN)
ASSTT. REGISTRAR

* (The original bank guarantee is handed over to the concerned dealing assistant in Court.)