

ITEM NO.1

COURT NO.6

SECTION IX/IIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4683/2006

(From the judgement and order dated 21/02/2006 in LPA No. 245/2006
in SCA No. 23508/2005 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

BANK OF INDIA

P etitioner(s)

VERSUS

MADHAVPURA MERCANTILE COOP.BANK LTD.&ORS

Respondent(s)

(With appln.(s) for permission to file affidavit and permission to file
addl. documents and with prayer for interim relief and office report)

WITH

SLP(Crl.) No. 370-373/2005

(With appln.(s) for exemption from filing O.T. and stay and intervention
and modification/variation of order dated 2.8.2006 with affidavit
and office report)

Date: 09/11/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. C.A. Sundaram, Sr. Adv.

Mr. Nitin Thakkar, Sr. Adv.

Mr. Pratish Sethi, Adv.

Mr. R.N. Karanjawala, adv.

Ms. Ruby Singh Ahuja, Adv.

Ms. Kanika Agnihotri, Adv.

Ms. Ritu Sharma, Adv.

Mrs Manik Karanjawala,Adv.

Mr. Soli J. Sorabjee, Sr. adv.
Ms. Kamini Jaiswal, Adv.
Mrs. Shomila Bakshi, Adv.
Mrs. Rani Mishra, Adv.
Mr. Sandeep Parekh, Adv.
Mrs. Sunit Dwivedi, Adv.

For Respondent(s)

Mr. Ashok H. Desai, Sr. Adv.
Mr. Nandish Chudgar, Adv.
Ms. Sushma Sharma, Adv.
Mr. R.N.Trivedi, Sr. Adv.
Mr. Kuldeep Parihar, Adv.
Mr. H.S. Parihar, Adv.

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Mr. Anil B. Diwan, Sr. Adv.
Mr. Vikram Bajaj, Adv.
Mr. Sanjeev Kumar, Adv.
for M/s. Khaitan & Co., AOR
Mr. Ashok H. Desai, Sr. Adv.
Mr. K.G. Vakharia, Sr. Adv.
Mr. Mahul Vakharia, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawal, Adv.
Mr. E.C. Agrawala, Adv.
Ms. Hemantika Wahi, Adv.
Ms. Sadhana Sandhu, Adv.
Mr. Ranjit Kumar, Sr. Adv.
Mrs. Purnima Bhat Kak, adv.
Mr. SWA Qadri, adv.

Mr. Laxmi Raman Singh, Adv.

Mr. P. Parmeswaran, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C) No. 4683/2006

We are informed by the parties that the appeal before the Debts Recovery Appellate

Tribunal, Mumbai is scheduled to be heard on 13.11.2006.

Rather than passing any order at this stage in these special leave petitions pending before

us, we observe that the Debts Recovery Appellate Tribunal may proceed to hear the appeal before it

and dispose it of in accordance with law without being influenced by any observations in the orders

passed by this Court or the Gujarat High Court.

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If need be, on the ground that the parties need to file certain affidavits/documents before

the Appellate Tribunal, it will be open to the Appellate Tribunal to commence hearing of the appeal

on 15th November, 2006 and not later. It shall thereafter proceed to pass an order in due course. The

parties have assured us that they shall not seek adjournment on any ground whatsoever and shall

proceed with the hearing of the appeal subject to adjustment that may be granted, if necessary, upto

15th November, 2006.

Liberty to parties to apply before this Court after the order is passed by the Debts

Recovery Appellate Tribunal so that we can take up the hearing of these special leave petitions.

We expect the matter to be concluded by the Appellate Tribunal within two weeks, and

therefore these special leave petitions before may be listed on 28th November, 2006.

Crl.M.P. No. 11773/2006 in SLP(Crl.) Nos. 370-373/2005

This application has been made on behalf of the petitioner praying that the installment

payable on 1st November, 2006 could not be deposited on account of compelling circumstances

affecting the petitioner's ability to arrange for the payment.

Having regard to the fact that the petitioner has deposited in the past a substantial

amount, we are inclined to grant him some time to deposit the amount which fell due on 1st November,

2006. We direct that the petitioner shall deposit 50% of the amount of the installment on or before

30th December, 2006 and the balance 50% on or before 31st January, 2007. This application is

accordingly allowed.

Till further orders any amount deposited by the petitioner pursuant to the order granting

him bail shall not be disbursed to any party.

Put up the Special Leave Petitions alongwith SLP(C) No. 4683/2006 on 28th November,

2006.

(Ajay Kr. Jain)

(Vijay Dhawan)

Court Master

Court Master