

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

Petition(s) for Special Leave to Appeal (Civil) No(s).6629/2005

(From the judgement and order dated 04/02/2005 in MAT No. 3962/2004 &
CAN No. 9583/2004 of The HIGH COURT OF CALCUTTA)

PUNJAB NATIONAL BANK & ANR.
(s)

Petitioner

VERSUS

UNIWORTH INTERNATIONAL LIMITED & ORS.
(s)

Respondent

(With appln(s) for BRINGING ON RECORD ADDL. FACTS and prayer for
interim relief and office report)

Date: 02/01/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH
HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s) Mr. Dhruv Mehta, Adv.
Mr. Harshvardhan Jha, Adv.
Mr. Yashraj Singh Deora, Adv.
For M/S K.L. Mehta & Co.,Adv.

For Respondent(s) Mr. S.Ganesh, Sr.Adv.
Mr. Anil Kumar Tandale,Adv.
Mr. Narender M. Sharma, Adv.
Mr. Satya Priya Kamrah, Adv.

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

The appellant Bank declared the respondent herein

to be a wilful defaulter. The respondent filed a Writ

Petition before the High Court of Judicature at Calcutta challenging its declaration as a wilful defaulter. The learned Judge who heard the Writ Petition came to the conclusion that the action of the

-2-

Bank was in violation of the principles of natural justice since the order had been passed without giving a chance of hearing to the Respondent herein. The learned Judge, therefore, set aside the order declaring the Respondent to be a wilful defaulter and directed the Bank to hear the Petitioner within two weeks. The learned Judge also directed that the matter shall be considered by the Assistant General Manager of the concerned Bank.

The Appellant Bank preferred an appeal before the Division Bench of the High Court. The learned Judge of the Division Bench while admitting the appeal refused to stay the operation of the order passed by the learned Single Judge.

We are informed that pursuant to the direction of the learned Judge, the Respondent was given an opportunity of placing its case before the Assistant General Manager who has passed an order which is the

subject matter of challenge in a Writ Petition filed by
the Respondent herein.

The question before us is whether the Division
Bench was justified in refusing stay of operation of
the order of the learned Single Judge.

-3-

Having regard to the fact that the Bank has since
complied with the order of the High Court and a
decision has been taken in the matter which is also
subject matter of challenge before the High Court, we
do not wish to express any opinion on any of the
questions involved in the appeal before the Division
Bench of the High Court. The matter relating to grant
of stay has perhaps become infructuous but we should
not be understood to have expressed any final opinion
in this regard. It is contended by the Bank that
principles of natural justice are not attracted to
cases of this nature. The Bank may urge such
submissions before the High Court. We make it clear
that the High Court hearing the Writ Appeal will
consider all submissions that are urged by the parties
before it and record its findings and pass such orders
as it deems proper.

Nothing said in this order shall prejudice the rights and contentions of the parties.

We request the High Court to take up and dispose of the appeal as soon as possible, with liberty to parties to move the learned Chief Justice for appropriate directions.

The Special Leave Petition is disposed of.

(SUKHBIR PAUL KAUR)
COURT MASTER

(VIJAY DHAWAN)
COURT MASTER