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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1216 OF 2006

CORPORATION BANK

APPELLANT

VERSUS

ARUN KUMAR CHAMARIA

RESPONDENT

WITH

T.P.(C) NO. 241 of 2003

O R D E R

In two different decisions of this Court, each given by a two Judge Bench, one in State Bank of India vs. Ranjan Chemicals Limited and Another, (2007) 1 SCC 97 and the other in Nahar Industrial Enterprises Limited vs. Hong Kong and Shanghai Banking Corporation, (2009) 8 SCC 646, there is an apparent conflict of views.

In the latter decision in Nahar Industrial Enterprises Limited, though the Court noticed an earlier decision in State Bank of India vs. Ranjan Chemicals Limited and Another, it observed that the decision in Ranjan Chemicals Limited was in conflict with an yet earlier decision in Indian Bank vs. ABS

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Marine Products (P) Limited, (2006) 5 SCC 72. However, instead of having the issue resolved by referring the matter to a larger Bench, the decision in Nahar Industrial Enterprises Limited brushed aside the decision in State Bank of India vs. Ranjan Chemicals Limited & Another, by simply observing that the Bench hearing Ranjan Chemicals Limited & Another was bound by the decision rendered in Indian Bank and it could not have taken the contrary view.

As a result, we are faced with conflicting

decisions by coordinate Benches and the matter can only be resolved by a larger Bench.

This appeal and the transfer petition be, therefore, listed before a larger Bench.

.....J.
(Aftab Alam)

.....J.
(R.M. Lodha)

New Delhi,
January 20, 2011.
ITEM NO.104

COURT NO.12

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 1216 OF 2006

CORPORATION BANK Appellant (s)

VERSUS

ARUN KUMAR CHAMARIA Respondent(s)

(With prayer for interim relief and office report)

WITH T.P.(C) NO. 241 of 2003
(With prayer for interim relief and office report)

Date: 20/01/2011 This Appeal and Petition were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. S.N. Bhat,Adv.

For Respondent(s) Mr. S.K. Bhattacharya,Adv.
Mr. Niraj Bobby Paonam, Adv.

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

This appeal and the transfer petition be listed before a larger Bench.

(Neetu Khajuria)
Sr.P.A.

(S.S.R. Krishna)
Court Master

(Signed order is placed on the file.)