

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4043 OF 2006
(@ SLP(C)NO.8321 of 2004)

Ospunam Traders Ltd.

.....Appellant

versus

State of Maharashtra & Ors.

.....Respondents

O R D E R

Leave granted.

Heard learned counsel appearing on either side.

We have perused the order impugned in this appeal. Our

attention was also drawn to the order dated 6.5.2005 passed by

this Court, which reads as under :

"We have heard counsel for the parties.

We clarify that the interim order passed by this Court on 5th May, 2004 was not intended to stay the process on election, if due. It will, therefore, be open to the concerned authorities to take necessary steps in accordance with law, and to hold election of officer bearers of the Society, if due.

2

The Court's order dated 5.5.2004 was only intended to see to it that the Administrator who had

taken over, was not displaced. We are informed by counsel appearing on behalf of the Administrator that the erstwhile office bearers have not handed over complete documents and charge of their office. We direct that they shall do so forthwith.

If in the meantime, election is held and new office bearers are elected, this order will not prevent them from taking over charge and management of the Society.

I.A. No.4 is disposed of in the above terms.

Put up this matter after summer vacation."

By the said order, this Court directed the concerned authorities to take necessary steps to hold the election of office bearers of the Society. A further direction was also issued directing the erstwhile office bearers to handover complete document and charge of the office to the Administrator. It is stated that even though the order has been passed on 6th May, 2005, the directions issued by this Court have not been fully complied with. If so, we direct all the parties to the proceedings to strictly comply with the directions issued by this Court on 6.5.2005.

It is now represented by learned counsel for respondent no.2 that pursuant to the directions of this Court, the entire documents, etc. have already been handed over to the

Administrator and an affidavit has also been filed to the said effect.

Now, since all records have been handed over to the

Administrator, we direct the Administrator to hold the election of

office bearers of the Society and complete the election process

within two months from today.

The Civil Appeal stands disposed of accordingly. There

shall be no orders as to costs.

.....J.

(Dr. AR. LAKSHMANAN)

4

.....J.

(TARUN CHATTERJEE)

New Delhi,

September 8, 2006.

5

ITEM NO.203

COURT NO.9

SECTION IX

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).8321/2004

(From the judgement and order dated 13/04/2004 in AN No. 197/2004 & WP No.

591/2004 of The HIGH COURT OF BOMBAY)

OSPUNAM TRADERS LTD.

Petitioner(s)

VERSUS

(With appln(s) for permission to submit additional document(s), directions and bringing addl. Facts on

record and with prayer for interim relief))

(FOR FINAL DISPOSAL)

Date: 08/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. Uday Lalit, Sr. Adv.

Mr. Chinmoy Kraradkar, Adv.

Mr. S.K. Nandy, Adv.

For Respondent(s)

Mr. Ramesh Singh, Adv.

Ms. Inkle Barooah, Adv.

Ms. Bina Gupta, Adv.

Ms. Simanti Chakrabarti, Adv.

Mr. Sanjay V. Kharde, Adv.

Ms. Chandan Ramamurthi, Adv

Mr. Vinay Navare, Adv.

Mr. Naresh Kumar, Adv

Mr. V.N. Raghupathy, Adv

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard learned counsel appearing on either side.

The Civil Appeal stands disposed of with no orders as to costs, in

terms of the signed order placed on the file.

(A.D. Sharma)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed Order is placed on the file)