

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

I.A.No.1 in Writ Petition(Civil) No.541/2002

M/S. AMULET INTERNATIONAL PVT. LTD.& ORS

Petitioner (s)

VERSUS

UNION OF INDIA & ANR.

Respondent (s)

(For stay) (For direction)

(With I.As.2 & 3 - for directions and exem. from filing O.T.)

With

T.P.(C) No.907/2002

(With appln. for ex-parte stay)

T.C.(C) Nos.92-95/2002

(With appln. for stay)(With appln. for amendment of writpetition)

W.P.(C) No.643/2002

(With appln. for ex-parte stay and office report)

T.P.(C) No.8/2003

(With appln. for ex-parte stay and directions)

S.L.P.(C) No.311/2003

(With appln. for exemption from filing c/c of the impugned  
judgment and with prayer for interim relief)

T.P.(C) No.12/2003

(With appln. for ex-parte stay)

T.C.(C) No...../2003 @ T.P.(C) No.998/02

(With office report)

T.P.(C) No.77/2003

(With appln. for ex-parte stay)

Date : 27/01/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI

HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)

in WP 541/02:

Ms. Radha Rangaswamy, Adv.

Mr. B. Denasekhar, Adv.

in TP 907/02:

Mr. V. Sudeer, Adv.

Mr. M.B. Rama Suba Raju, Adv.

Mr. S. Srinivasan, Adv.

..2/-

For Petitioner (s)  
in TC 92-95/02: Mr. Vijay Hansaria, Sr.Adv.  
Mr. Sunil Kumar Jain, Adv.

in WP 643/02: Mr. Gaurab Banerji, Adv.  
Mr. S.Dube, Adv.  
Mr. Sidharth Bhatnagar, Adv.  
Mr. Nirnimesh Dube, Adv.  
Ms. Sonal Tripathi, Adv.  
Ms. Indra Sawhney, Adv.

in TP 8, 12 & 77/03: Mr. Arun Jaitley, Sr.Adv.  
Mr. Sunil Dogra, Adv.  
Ms. Rashi Malhotra, Adv.  
Ms. Ruchi A. Majan, Adv.  
for M/s. Suresh A. Shroff & Co., Advs.

in SLP 311/03: Mr. P. Chidambaram, Sr.Adv.  
Mr. Vijay Hansaria, Sr.Adv.  
Mr. Sunil Kumar Jain, Adv.  
Ms. Reeta Chaudhary, Adv.

in TC @ TP 998/02: Mr. Sanjay Kapur, Adv.  
Mr. Sanjeev Kumar, Adv.

For Res-UOI: Mr. K.N. Raval, S.G.  
Mr. Rajiv Shakdhar, Adv.  
Ms. V. Mohana, Adv.  
Ms.Suri, Adv.

For Respondent (s)  
in WP 541/02: Mr. P.P. Rao, Sr.Adv.  
(For R-2) Mr. N.S. Sistani, Sr.Adv.  
Mr. G.S.Sistani, Adv.  
Mr. Arun K. Sinha, Adv.  
Mr. Rakesh Singh, Adv.

for R-2 in TP 907/02: Mr. Pradeep Diwan, Adv.  
Mr. Pramod B. Agarwala, Adv.  
Ms. Praveena Gautam, Adv.

in TC 92-95/02: Mr. Arun Jaitley, Sr.Adv.  
Mr. Sunil Dogra, Adv.  
Ms. Rashi Malhotra, Adv.  
Ms. Ruchi A. Majan, Adv.  
for M/s. Suresh A. Shroff & Co., Advs.

in TC 92-95/02: Mr. Bharat Sangal, Adv.  
Ms. Sangeeta Panicker, Adv.  
Mr. Rana Ranjit Kumar Singh, Adv.

in WP 643/02: Mr. Harish N. Salve, Sr.Adv.  
Mr. O.P. Gaggar, Adv.

in TP 8/03: Mr. Ashok H. Desai, Sr.Adv.  
Mr. Paras Kuhad, Adv.  
Mr. Arunabh Choudhary, Adv.  
Mr. Hrishikesh Baruah, Adv.  
Mrs. Manik Karanjawala, Adv.  
Ms. Jasmine Dankewala, Adv.

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For Res.No.10  
in SLP 311/03: Mr. Soli J. Sorabjee, A.G.  
Mr. U.A. Rana, Adv.

Mr. Rajiv Shakdhar, Adv.  
Mr. Arvind Kumar, Adv.  
Mr. Sanjiv Kumar, Adv.  
Mr. Sunil Mathew, Adv.  
for M/s. Gagrat & Co., Advs.

For Respondent(s)  
in TC @ TP 998/02: Mr. Ashok K. Gupta, Adv.

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

....L.....I.....T.....T.....T.....T.....T.....T.....J  
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I.A.No.1, 2 & 3 in W.P.(C)No.541/02:@@  
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We have heard learned counsel for the parties.  
Perused the order of this Court dated October 04, 2002.

Keeping the contents of the said order in mind, we  
direct that status quo as regards the residential premises  
shall be maintained, pending further orders of this Court.

Three weeks for counter.

T.P.(C) No.907/2002:@@  
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Heard learned counsel for the parties. The transfer  
petition is allowed and C.W.P.No.16783/2002, titled M/s.  
Sobhag Textiles Ltd. vs. Union of India & Ors., pending  
before the High Court of Punjab & Haryana at Chandigarh is  
directed to be transferred to this Court, to be heard along  
with the connected matters.

No costs.

T.C.Nos.92-95/2002:@@  
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Heard the learned counsel for the petitioner as well  
as the learned Attorney General for the Union of India.

The application for amendment of writ petition  
(I.A.No.3 in T.C.No.93/2002) is allowed.

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W.P.(C) No.643/02:@@  
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Having heard the learned counsel for the petitioners  
and taking note of para 10 of the counter affidavit filed by  
respondent no.2, we think it appropriate to pass the same  
directions as were given by this Court on October 4, 2002 in  
W.P.(C) No.541/02. The directions reads thus:

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"Meanwhile, it would be open to the secured  
creditors to proceed against the borrowers under  
sub-clauses (2) & (4) of Clause 13 of the  
Securitisation & Reconstruction of Financial  
Assets and enforcement of Security Interest  
(Second) Ordinance, 2002. However, they shall not  
part with the assets of the borrower by way of  
lease, assignment or sale.

It is made clear that this order will not  
preclude the secured creditors from taking  
recourse to any other alternatives provided under  
Clause 13(4) of the Ordinance."

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Issue fresh notice to the unserved respondents.

Dasti, in addition, is permitted.  
Three weeks for rejoinder.

T.P.(C) No.8/2003:@@  
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Heard the learned counsel for the parties.  
The transfer petition is allowed and  
D.B.C.W.P.No.4/2003, titled M/s. Modern Terry Towers Ltd.  
vs. State of Rajasthan & Ors., pending before the High Court  
of Judicature for Rajasthan at Jaipur, shall stand transferred  
to this Court.

The High Court shall send the transferred Writ  
Petition (C.W.P.No.4/2003) to this Court immediately, within  
one week from today.

List the case, on being transferred, for appropriate  
orders on February 17, 2003.

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S.L.P.(C) No.311/03:@@  
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Issue notice.  
Mr.U.A.Rana, Advocate, takes notice for respondent  
No.10.

Issue notice on prayer for interim relief also.  
List on February 24, 2003 separately.

T.P.(C) Nos.12 & 77 of 2003:@@  
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Issue notice to the respondents.  
List on February 17, 2003.

T.C.No.....@ T.P.(C) No.998/02:@@  
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No further orders are necessary.  
List on February 3, 2003 along with S.L.P.(C)  
No.24268/2002.

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(N. Annapurna)  
Court Master

(Kanwal Singh)  
Court Master

(Signed orders in T.P.(C) Nos.907/2002 & 8/2003  
are placed on the file.)

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.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....J

IN THE SUPREME COURT OF INDIA@@  
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CIVIL ORIGINAL JURISDICTION@@  
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TRANSFER PETITION (CIVIL) NO.907 OF 2002@@  
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M/s. Sobhag Textiles Ltd.

...Petitioner(s)

Versus

Union of India & Anr.

...Respondent(s)

O R D E R@@

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L.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Heard learned counsel for the parties.

The transfer petition is allowed and C.W.P.No.16783/2002, titled M/s. Sobhag Textiles Ltd. vs. Union of India & Ors., pending before the High Court of Punjab & Haryana at Chandigarh is directed to be transferred to this Court, to be heard along with the connected matters. No costs.

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AAAAA.....J. @@  
AAAAA..... (SYED SHAH MOHAMMED QUADRI) @@  
AAAAA.....  
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AAAAA..... @@  
AAAAA..... @@  
AAAAA..... J. @@  
AAAAA..... (ASHOK BHAN) @@  
AAAAA.....  
New Delhi, @@  
AAAAA.....  
January 27, 2003. @@  
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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....J

IN THE SUPREME COURT OF INDIA @@  
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CIVIL ORIGINAL JURISDICTION @@  
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TRANSFER PETITION (CIVIL) NO.8 OF 2003 @@  
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ICICI Bank Ltd. ...Petitioner(s)

Versus

M/s. Modern Terry Towels Ltd. & Ors. ...Respondent(s)

O R D E R @@  
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L.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Heard the learned counsel for the parties.

The transfer petition is allowed and D.B.C.W.P.No.4/2003, titled M/s. Modern Terry Towers Ltd. vs. State of Rajasthan & Ors., pending before the High Court of Judicature for Rajasthan at Jaipur, shall stand transferred to this Court.

