

SLP(C)No. 13579 OF 2001
ITEM No.41

Court No. 2

SECTION XVI
A/N MATTER

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.13579/2001
(From the judgement and order dated 11/07/2001 in MC 5/01
of The DEBTS RECOVERY APPELLATE TRIBUNAL, CALCUTTA)

STATE BANK OF INDIA

Petitioner (s)

VERSUS

PONNY SUGAR & CHEMICALS LTD. & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 14/12/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Harish N. Salve, SG
Mr. Sanjay Kapur, Adv.
Ms. Shubhra Kapur, Adv.

For Respondent (s) Mr. Ashok H. Desai, Sr. Adv.
Mr. P.H. Parekh, Adv.
Mr. Rohit Alex, Adv.

Mr. Dhruv Mehta, Adv.
Ms. Shobha and Ms. Anu Mehta, Adv.
for M/s K.L. Mehta & Co., Adv.

Mr. C S Vaidyanathan, Sr. Adv.
Mr. Sudarsh Menon, Adv.

Mr. Vijay Kumar, Adv.
Mr. Vishwajit Singh, Adv.

Mr. A L Somayaji, Sr. Adv.
Mr. Ambrish Kumar, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....J.R

Special leave granted.

The appeal is allowed, the impugned orders of the
appellate authority are set aside and the Debt Recovery
Tribunal is directed to dispose of the O.A. within a
period of six months from today.

(D.P. WALIA)
Court Master

(PREM PRAKASH)
Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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[arising out of SLP(C) No.13579 of 2001]

State Bank of India ..Appellant(s)

vs.

Ponny Sugar & Chemicals Ltd. & Ors. ..Respondent(s)

O R D E R@@
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Special leave granted.

We have heard the counsel for the parties. In our opinion, the Debt Recovery Appellate Tribunal should not have passed the interim orders which it did. The matter is pending before the Debt Recovery Tribunal, which, in our opinion, is the appropriate authority, on the facts of the present case, for passing interim orders and for disposing of the main case pending before it.

We, accordingly, allow this appeal, set aside the impugned orders of the appellate authority and the Debt Recovery Tribunal is directed to dispose of the O.A. within a period of six months from today.

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.....J.
(B.N. KIRPAL)

.....J.
(K.G. BALAKRISHNAN)

.....J.
(ARIJIT PASAYAT)

New Delhi;
December 14, 2001.