

ITEM NO.107

COURT NO.10

SECTION IX

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

Civil Appeal No(s). 514/2011

VAIBHAV BUILDERS &amp; CONTRACTORS PVT.LTD.

Appellant(s)

VERSUS

M/S SNEHA LAND DEVELOPERS PVT.LTD.&amp; ORS

Respondent(s)

(with appln. (s) for intervention and impleadment and appropriate orders and office report)

WITH

C.A. No. 515/2011

(With Interim Relief and Office Report)

SLP(C) No. 35050/2013

(With Office Report)

SLP(C) No. 35051/2013

(With Office Report)

SLP(C) No. 35049/2013

Date : 01/02/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

Mr. Chander Uday Singh, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Surekha Raman, Adv.

Mr. Anuj Sarma, Adv.

Ms. Niharika, Adv.

Mr. Aman Shukla, Adv.

Ms. Kanika Kalaiyarasan, Adv.

M/s. K. J. John &amp; Co., Adv.

Mr. Manish Pilate, Adv.

Mr. D.S. Matwankar, Adv.

Mr. Chander Shekhar Ashri, Adv.

For Respondent(s)

Mr. Jay Savla, Adv.

Ms. Shilpi Chowdhary, Adv.

Mr. J. Singh Dhillon, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, Adv.

Mr. Arpit Rai, Adv.

Mr. P. S. Sudheer, Adv.

Mr. Bharat Sood, Adv.

Ms. Shruti Jose, Adv.

Mr. Ramesh Babu M. R., Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. S.D. Singh, Adv.

Mrs. Neela Gokhale, Adv.

Mrs. Shweta Sinha, Adv.

Mr. Vishwajit Singh, Adv.

Mr. V. Giri, Sr. Adv.

Mr. Vikram Mehta, Adv.

Ms. Shweta Duggal, Adv.

Ms. Roka Chatterjee, Adv.

Mr. Vikas Mehta, Adv.

Mr. Nakul Mohta, Adv.

Mr. Shashibhushan P. Adgaonkar, Adv.

Mr. Satyajit A. Desai, Adv.

Ms. Anagha S. Desai, Adv.

Ms. Meenakshi Arora, Sr. Adv.  
Mr. Siddhesh Kotwal, Adv.  
Mr. Shreya Bhatnagar, Adv.  
Mr. Raghunatha S., Adv.  
Mr. Nirnimesh Dube, Adv.

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

In C.A. Nos. 514 & 515 of 2011

Appeals are disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

In SLP(C) Nos. 35050, 35051 and 35049 of 2013

These petitions be de-tagged and heard separately.  
List after two weeks.

(NEELAM GULATI)  
COURT MASTER

(TAPAN KR. CHAKRABORTY)  
COURT MASTER

(Signed order in C.A. Nos. 514 & 515 of 2011 is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 514 OF 2011

VAIBHAV BUILDERS & CONTRACTORS PVT.LTD. Appellant(s)

VERSUS

M/S SNEHA LAND DEVELOPERS PVT.LTD.& ORS. Respondent(s)

WITH

CIVIL APPEAL NO(S). 515 OF 2011

O R D E R

After hearing learned counsel for the parties, as agreed to by them, the challenge to the impugned order has become academic as such it is rightly submitted that the impugned order not to be treated as precedent, the writ petition pending in the High Court has also been rendered infructuous and the appellant has resorted to arbitration proceedings due to termination of the agreement by the Daddona Jagannath Religious Trust (in short 'the Trust'). We find that the impugned order contains certain aspects which is required to be looked into deeply in appropriate proceedings as to scope of powers of Charity Commissioner under Section 36 of the Bombay Public Trust Act, 1950. In the changed

circumstances, we accept the aforesaid submission and order that the impugned order not to be treated as precedent. Question of law is left open. In case after the decision of the arbitration proceedings all the questions which may arise can be agitated afresh by the concerned parties in appropriate proceedings. All questions are kept open.

The amount deposited by the respondents herein be refunded. Writ Petition before the High Court stands disposed of as infructuous.

It is submitted by the learned counsel appearing on behalf of the Trust that they will invite fresh bids in the changed circumstances and everybody will be permitted to participate in the fresh auction to be held. His statement is placed on record.

Accordingly the Appeals are disposed of.

.....J  
(ARUN MISHRA)

.....J  
(R. BANUMATHI)

NEW DELHI  
FEBRUARY 01, 2017