

useful purpose will be served by postponing the acceptance of the bid. The bid has come after advertisement and after holding open auction. In my opinion, also considering that the bid received is at least thrice the amount which is mentioned in the valuation report, the highest bid given by Mr. Ashok Samani deserves to be accepted which is of course subject to the confirmation and leave being obtained from the Supreme Court. The Custodian shall move the Supreme Court immediately seeking leave of the Supreme Court to confirm the auction."

Pursuant to the said observations, the Custodian has filed an application before us for confirmation of the same. We are afraid that the learned Judge of the Special Court misunderstood and misconstrued our order dated 17.11.2008. It was never this Court's intention that the matter relating to confirmation of the auction sale held by the Special Court would be gone into by us. What was meant is that the learned Judge (Special Court) shall not confirm the sale without the leave of this Court. In the event, as question arises as to whether the bid of Mr. Ashok Samani has to be confirmed or not, it would be for the learned Judge of the Special Court to do so.

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Heard the learned counsel for the parties at length.
Arguments concluded. Judgment reserved.

Civil Appeal Nos. 2915/2008, 2924/2008 and 3377/2009 are delinked and the same may be listed in due course.

(A. S. BISH T) (K A L Y A N I G U P T A) (S. S. R. K R I S H N A)
COUR T M A S T E R SR. P.A. COUR T M A S T E R
Ô\$ (R E V I S E D)

IT E M N O. 1 0 1 COUR T N O. 3 S E C T I O N I X
(P a r t- h e a r d)
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. 3377 OF 2009

J Y O T H I H M E H T A & O R S. Appell a n t (s)

VER S U S

C U S T O D I A N Respo n d e n t (s)

(Wit h appl n (s) for ex-par te sta y and office repo r t)

WITH

C I V I L A P P E A L N o. D 2 5 2 0 7 of 2 0 0 8
(Wit h appl n. for directio n s and wi t h office repo r t)

C I V I L A P P E A L N O. 2 9 1 5 of 2 0 0 8
(Wit h appl n. for sta y and wi t h office repo r t)

C I V I L A P P E A L N O. 2 9 2 4 of 2 0 0 8
(Wit h appl n. for sta y and wi t h office repo r t)

Date: 23/07/2009

These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE DEEPAK VERMA

For Appellant (s) Mr. I.H. Syed, Adv.
Mr. Varinder Kumar Sharma, Adv.

Mr. I.H. Syed, Adv.
Ms. Kamini Jaiswal, Adv.
Mrs. Rani Mishra, Adv.

For Respondent (s) Mr. V.B. Joshi, Adv.
Mr. Mukesh Kumar, Adv.
Mr. Arvind Kumar Tewari, Adv.
Mr. Abhishek Tewari, Adv.
Mr. Subramonium Prasad, Adv.

UPON hearing counsel the Court made the following

ORDER

C.A. No. D25207 of 2008 :

This appeal was filed on 30th August, 2008. By an order dated 17.11.2008, it was directed that the process of

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auction may go on but the same shall not be confirmed without the leave of this Court. However, it is stated that pursuant to or in furtherance of the said order the auction of the property of the notified parties was held.

Mr. Ashok Samani's bid was accepted. The learned Judge of the Special Court by an order dated 13.02.2009 directed as under:

"Taking over all view of the matter, in my opinion, no useful purpose will be served by postponing the acceptance of the bid. The bid has come after the due advertisement and after holding open auction. In my opinion, also considering that the bid received is at least thrice the amount which is mentioned in the valuation report, the highest bid given by Mr. Ashok Samani deserves to be accepted which is of course subject to the confirmation and leave being obtained from the Supreme Court. The Custodian shall move the Supreme Court immediately seeking leave of the Supreme Court to confirm the auction."

Pursuant to the said observations, the Custodian has filed an application before us for confirmation of the same. We are afraid that the learned Judge of the Special Court misunderstood and misconstrued our order dated 17.11.2008. It was never this Court's intention that the matter relating to confirmation of the auction sale held by the Special Court would be gone into by us. What was meant is that the learned Judge (Special Court) shall not confirm the sale without the leave of this Court. In the event, as question arises as to whether the bid of Mr. Ashok Samani has to be confirmed or not, it would be for the learned Judge of the Special Court to do so.

Heard the learned counsel for the parties at length .
Arguments concluded. Judgment reserved.

Civil Appeal Nos. 2915/2008 , 2924/2008 and 3377/2009
are delinked and the same may be listed in due course.

(A. S . BISH T)
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(K A L Y A N I G U P T A) (S. S. R . K R I S H N A)
SR. P.A. COUR T MAS T E R