

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.5168 OF 2000

SANCHAYANI SAVINGS INVESTMENT(I) LTD. & ORS.

Appellant (s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

(Reg.: 24th Status Report in respect of Item No.3)

Date: 23/07/2008 This Matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s) Mr. Ashish Sethi,Adv.

Mr. U.S. Prasad,Adv.

For Respondent(s)  
for Special Officer:

Mr. Roy Abraham,Adv.  
Mr. C.K. Sasi,Adv.

Mr. R.P. Singh Yadav,Adv.  
Mr. Debasis Misra,Adv.

Mr. Ramesh Babu M.R.,Adv.  
Ms. Manisha,Adv.  
Mr. Srinjoy Banerjee,Adv.  
Ms. Swati Setia,Adv.

UPON hearing counsel the Court made the following  
ORDER

In Item No.3 of 24th Status Report:

Heard learned counsel appearing on behalf of Mr. Ashwani Kumar Modi and Mr. Aditya Modi.

On 16th July, 2008, when the envelope containing the bid was opened, neither the bidders were present nor they were represented by any counsel. Along with the bid, instead of submitting a Bank Draft for Rupees 3.50 lakhs,

being earnest

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money, a cross-cheque was submitted. As there was no other bidder, the bid was accepted and the cheque was directed to be handed over to the Special Officer. This Court granted three months' time to deposit the balance amount of Rs.31.50 lakhs. On the same evening, when the court was rising, one of the bidders, Mr. Ashwani Kumar Modi, presented himself with his lawyer and made a prayer for extension of time for depositing the balance amount. We were not inclined to entertain the prayer but, ultimately, we directed the case to be placed on the next day for considering the prayer. Accordingly, it was listed on the next day, i.e., 17th July, 2008, on which date, it was directed to be listed on 22nd July, 2008. As the Bench did not sit on that day, the case was adjourned for today.

Learned counsel appearing on behalf of the bidders made a prayer that his clients are ready to take back the cheque for Rs.3.50 lakhs, which was submitted towards

earnest money, from the Special Officer and will submit in the Registry of this Court a Bank Draft for Rs.3.50 lakhs within one week from today. Let it be so done. deposit of the same, the Registry shall hand over the Bank Draft to the Special Officer. Learned counsel further submitted that it would not be possible for the bidders to pay the balance amount within three months, as directed by this Court. It has been pointed out that, in advertisement, no time was fixed for deposit of the balance amount. In the facts and circumstances of the case, we permit the bidders to deposit, out of Rs.31.50 lakhs, Rupees

Upon

the

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five lakhs within three months from today and the balance amount shall be deposited three months thereafter. To this extent only, the order dated 16th July, 2008, stands modified.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Om Prakash ]  
Court Master