



Mr. D. Mahesh Babu,Adv.  
Mr. Ramesh Babu M.R.,Adv.  
Ms. Manisha Singh,Adv.  
Mr. Srinjoy Banerjee,Adv.  
Ms. Swati Setia,Adv.  
Mr. Sanjay Bansal,Adv.  
Mr. Deepak Kausal,Adv.  
Mr. Ashu Bhatia,Adv.  
Mr. G.K. Bansal,Adv.  
Ms. Indra Sawhney,Adv.  
Mr. S.N. Bhat,Adv.  
Mr. Abhish Kumar,Adv.  
Mr. Ajit Kumar Pande,Adv.  
Mr. Prashant Kumar,Adv.  
Mr. Mukesh K. Giri,Adv.  
Mr. M.D. Adkar,Adv.  
Mr. Vishwajit Singh,Adv.  
Mr. Varinder Kumar Sharma,Adv.  
Mr. Ashiesh Kumar,Adv.  
Mr. Rajesh Srivastava,Adv.

...3/-

-3-

Mr. Ajay Choudhary,Adv.  
Ms. Indu Malhotra,Sr.Adv.  
Mr. S.G. Kale,Adv.  
Ms. A. Sumathi,Adv.  
Mr. Kashi Vishweshwar,Adv.  
Mr. A.N. Bardiyar,Adv.  
Mr. B.B. Sawhney,Sr.Adv.  
Mr. C.K. Sasi,Adv.  
Mr. G.S. Chatterjee,Adv.  
M/s. Suresh A. Shroff & Co.,Advs.  
Mr. B.S. Banthia,Adv.  
Mr. Vikas Upadhyay,Adv.  
Mr. Arun K. Sinha,Adv.  
Mr. C.L. Sahu,Adv.  
Mr. Ugra Shankar Prasad,Adv.  
Mr. P.V. Dinesh,Adv.  
Mr. Shekhar Naphade,Sr.Adv.  
Mr. Shivaji M. Jadhav,Adv.  
Mr. Rahul Joshi,Av.  
Mr. Brijkishor Sah,Adv.  
Mr. V.N. Raghupathy,Adv.

Mr. Harish Dangre, Adv.  
Mr. Gaurav Agrawal, Adv.

Mr. Lakshmi Raman Singh, Adv.

Ms. Sharmila Upadhyay, Adv.

Mr. Pijush K. Roy, Adv.  
Mr. S.K. Verma, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

Ms. Nanita Sharma, Adv.

Mr. Manish Pitale, Adv.  
Mr. C.S. Ashri, Adv.  
Ms. Suruchi Aggarwal, Adv.

...4/-

-4-

Mr. M.P. Vinod, Adv.

Mr. Pranab Kumar Mullick, Adv.

Mr. Sanjay Jain, Adv.

Mr. Chiraranjan Addy, Adv.

Mr. Pravin Kumar, Adv.

Mr. Rauf Rahim, Adv.

Mr. C.S. Ashri, Adv.

Mr. Manish Pitale, Adv.  
Mr. I.J. Damle, Adv.

Mr. Rajeev Ranjan Rajesh  
Mr. Pavan Kumar, Adv.

Mr. S.T. Madhani, Adv.  
Mr. Manish Pitale, Adv.  
Mr. R.K. Sharma, Adv.

Mr. T.S. Doabia, Sr. Adv.  
Ms. Rekha Pandey, Adv.  
Mr. S.W.A. Qadri, Adv.  
Mr. D.S. Mahra, Adv.

Mr. S.T. Madhani, Adv.  
Mr. Manish Pitale, Adv.  
Ms. Abha R. Sharma, Adv.

Mr. D.N. Goburdhun, Adv.  
Ms. Pinky Anand, Adv.  
Ms. Geeta Luthra, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Manish Pitale, Adv.  
Mr. Rakesh K. Sharma, Adv.

Mr. Dip Narayan Mitra, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. S. Balaji, Adv.  
Mr. Junaid Shabwani, Adv.

Mr. S.R. Sharma, Adv.  
Ms. Madhusmita Bora, Adv.

...5/-  
-5-

Mr. R.R. Rajesh, Adv.

Mr. R.P. Singh

Mr. Rajeev Chhabra, Adv.  
Ms. Vibha Datta Makhija, Adv.

UPON hearing counsel the Court made the following  
ORDER

ITEM NO.1 :

I.A. Nos.60 of 2007 and 67 of 2008

Heard learned counsel for the parties.

We do not find any merit in the interlocutory applications and the same are, accordingly, dismissed.

I.A. No...../2008 (by Mr. U.S. Prasad, Advocate) :

Prayer for physical verification of the properties in question is rejected.

The interlocutory application is, accordingly, dismissed.

xxxxxxxx

The two bidders have submitted their written offers for purchase of Sreevardhan Complex, 4, R.M.T. Marg, Indore, Madhya Pradesh, which has been opened in Court. The offer jointly made by Mr. Ashwini Kumar Modi and Mr. Aditya Modi is Rs.2.51 crores and the offer made by Mr. Himmatsingh Tomar is Rs.2.60 crores. Both the bidders and their counsel are present in Court. They were given opportunity to participate in the open bid. Mr. Himmatsingh Tomar gave the highest bid of Rs.3 crores. The same is accepted. The cross-cheque of Rupees twenty five lakhs submitted by the successful bidder by way of earnest money be made over to the learned counsel appearing for the Special Officer. The cheque of Rupees twenty five lakhs jointly submitted by Mr. Ashwini Kumar Modi and Mr. Aditya Modi be returned to their counsel.

....6/-

-6-

The successful bidder is permitted to deposit the balance amount of Rs.2.75 crores within three months from today by way of Demand Draft drawn in favour of the Special Officer. In case he fails to deposit the balance amount within the time granted, the earnest amount of Rupees twenty five lakhs shall stand forfeited and it will be open to the Special Officer to take steps for fresh advertisement. In case the balance amount is deposited within the aforesaid time, the sale deed shall be executed within one month and possession of the property in question shall be delivered within one week from the date of execution/registration of the sale deed.

Learned counsel appearing on behalf of the

successful bidder, Mr. Himmatsingh Tomar, stated that he may be permitted to put guards outside the premises of the property in question. Learned counsel appearing on behalf of the Special Officer has no objection to the prayer made on behalf of the successful bidder. Let it be so done.

ITEM NO.2

Five bidders have submitted their written offers for purchase of property bearing No.23, Durga Plaza, University Road, Ujjain, Madhya Pradesh, which have been opened in Court. The offers made by the five bidders are as under:

- |     |  |                  |
|-----|--|------------------|
| [1] | Ms. Alka Arora                           | - Rs.25,11,000/- |
| [2] | Mr. Srinivas Phatak                      | - Rs.26,05,101/- |
| [3] | Mr. Vishal Gupta                         | - Rs.23,38,000/- |
| [4] | Ms. Neela Mone and<br>Ms. Karati Agrawal | -Rs.23,45,000/-  |
| [5] | Mr. Om Prakash Khatri                    | - Rs.24,10,000/- |

After the bids were opened, there was open bidding in Court. Ms. Alka Arora gave the highest offer of Rs.28,05,101/-. In view of this, the offer made by Ms. Alka Arora is accepted. Let the cheque of Rs.2.50 lakhs submitted by Ms. Alka Arora towards earnest money be made over to the learned counsel appearing for the Special Officer. The cheques of Rs.2.50 lakhs submitted by other bidders be returned to them.

....7/-

-7

The successful bidder is permitted to deposit the balance amount of Rs.25,55,101/- within three months from today by way of Demand Draft drawn in favour of the Special Officer. In case she fails to deposit the balance amount within the time granted, the earnest amount of Rs.2.50 lakhs shall stand forfeited and it will be open to the Special Officer to take steps for fresh advertisement. In case Rs.25,55,101/- is deposited within the aforesaid time, the sale deed shall be executed within one month and possession of the property in question shall be delivered within one week from the date of execution/registration of the sale deed.

Mr. Sanjay Deshpande, owner-developer and Director of M/s Sapnidhi Developers, who is present in Court, undertakes to execute the sale deed within the aforesaid time.

Learned counsel appearing on behalf of the successful bidder, Ms. Alka Arora, stated that she may be permitted to put guards outside the premises of the property in question. Learned counsel appearing on behalf of Special Officer has no objection to the prayer made on behalf of the successful bidder. Let it be so done.

ITEM NO.3

Mr. Ashwini Kumar Modi and Mr. Aditya Modi have jointly submitted written offer for purchase of Asian Tower, Third Floor, 3 and 4, Choti Gwaltoli, Ward No.42, Indore, Madhya Pradesh, which has been opened in Court. The offer jointly made by Mr. Ashwini Kumar Modi and Mr. Aditya Modi is Rupees thirty five lakhs. The bidder is not present in Court. Nobody else is in Court to make any higher offer. In view of this, the aforesaid offer jointly made by Mr. Ashwini Kumar Modi and Mr. Aditya Modi is accepted. The bidders have deposited Rs.3.50 lakhs by way

of cross-cheque towards earnest money. Let the same be made over to the learned counsel appearing for the Special Officer.

....8/-

-8-

The purchaser is permitted to deposit the balance amount of Rs.31.50 lakhs within three months from today by way of Demand Draft drawn in favour of the Special Officer. In case they fail to deposit the balance amount within the time granted, the earnest money of Rs.3.50 lakhs shall stand forfeited and it will be open to the Special Officer to take steps for fresh advertisement. In case Rs.31.50 lakhs is deposited within the aforesaid time, the sale deed shall be executed within one month and possession shall be delivered within one week from the date of execution/registration of the sale deed.

ITEM NO.4

Learned counsel appearing on behalf of owner-promoter, the Special Officer and the purchaser undertake before this Court that they would see that the sale deed is executed by 30th July, 2008, on which day, possession shall be also delivered to the purchaser.

ITEM NO. 5A:

By order dated 29th January, 2008, the Special Officer was directed to take necessary steps for execution of sale deeds in favour of those who had paid full consideration for the flats. Learned counsel appearing on behalf of the Special Officer stated that apart from those 20 persons, one Mr. N.D. Gupta had paid full amount for flat No.B-302. He further stated that owners of these 21 flats were asked by the Special Officer to produce original Money Receipts, Agreement to Sell and letter of possession, but many of them did not produce the required documents. In the circumstances, the Special Officer is authorized to serve a copy of this order on the purchasers who have not produced the above-mentioned documents, within one month of the receipt thereof. He may execute the sale deed on behalf of the owner M/s Indo Prastha Griha Nirman Sahakari Sanstha and SSIL within four weeks of the production of necessary documents.

....9/-

-9-

ITEM NO. 5B

I.A. No..... of 2008 (by Mr. C.S. Ashri, Adv.)

Pursuant to order dated 6th May, 2008 whereby notices were issued to 27 persons, it has been brought to our notice that notices have been served upon 19 persons and the remaining 8 persons have not been served.

Ms. Ashatai Gulahran Gawanda has filed an application on 9th July, 2008. Four weeks' time is allowed to the Special Officer to file response to the same.

Reply has been filed on behalf of Shri Shashikant, who is another person out of the 27 persons to whom notices were issued. Four weeks' time is allowed to the Special Officer to file rejoinder to the said affidavit.

Mr. Manish Pitale, learned counsel, accepts notice

on behalf of five persons, viz., Mr. L.J. Bajaj (deceased through Lrs.) Ms. Malati P. Thombre, Ms. Meena S. Kothari, Mr. Ravi H. Kumar and Mr. M.V. Shrigiriwar and prays for time to file vakalatnama and applications. In case the application is filed within the said time, reply thereto may be filed by the Special Officer within four weeks thereafter.

Issue fresh notice to 20 persons including those who have been served but have not put in appearance.

It has been stated on behalf of the Special Officer that apart from 27 persons referred to in earlier order of this Court, following other three persons have been added:

- Mr. Murli Balakrishna Manna
- Mr. Pravin Barde; and
- Mr. Avinash Chakar Shaligram

Issue notices to these persons as well.

....10/-

- 10 -

ITEM NO.6

Issue notice to Shri Santosh Saran upon his address being furnished by the Special Officer within one week from today.

ITEM NO.7

Six weeks' time is allowed to Sanchayani Savings Investment Limited to file response.

ITEM NO.8

Perused the report.

ITEM NO.9

Six weeks' time is allowed to Sanchayani Savings Investment Limited to file response.

ITEM NO.10

Compliance report noted.

I.A. Nos..... of 2008 (by Ms. Vibha Datta Makhija, Adv.)

One Mr. Manoj has filed an application for impleadment/intervention, which is allowed. Another application is filed on his behalf for giving certain directions. Four weeks' time is allowed to the Special Officer to file response to the same.

Until further orders, status quo in relation to subject of dispute, as it exists today, shall be maintained.

I.A. No.72 of 2008 :

Prayer for impleadment is allowed.

I.A. Nos.73 and 74 of 2008 :

Issue notice.

Until further orders, status quo in relation to subject of dispute, as it exists today, shall be maintained.

I.A. No.59 of 2007 :

Four weeks' time is allowed to the Special Officer to file response to the additional affidavit.

I.A. No.71 of 2008 :

Prayer for impleadment is granted.

I.A. No.70 of 2008 :

Issue notice.

I.A. No.69 (BY Mr. P.K. Mullick, Adv.)

Learned counsel appearing on behalf of the applicant is permitted to withdraw this application. The interlocutory application stands disposed of accordingly.

I.A. Nos.43, 44 and 45 :

Let these applications be placed after six weeks.

Let the case be listed on 2nd September, 2008.

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

[ Alka Dudeja ]  
Court Master

[ Om Prakash ]  
Court Master