

ITEM NO.2

COURT NO.9

SECTION XVI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5168 OF 2000

SANCHAYANI SAVINGS INVESTMENT(I) LT.&ORS

Appellant (s)

VERSUS

STATE OF WEST BENGAL & ORS

Respondent(s)

(With applns. for directions and intervention and impleading party and directions and permission to

submit additional documents and clarification/modification of Court's Order and intervention and

directions and recalling the Court's Order and permission to lodge claim before Special Officer)

WITH CONMT.PET.(C) NO. 389 of 2004

(With appln(s) for permission to submit additional document(s)

(With office report)

Date: 30/08/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant(s)

Mr. Anoop Chaudhary, Sr. Adv.

Ms. Nishita Foster, Adv.

Mr. Siddhartha S. Chauhan, Adv.

Mr. prashant Kumar, Adv.

Mr. S.V. Deshpande, Adv.

Mr. U.S. Prasad, Adv.

Mr. Umang Shankar, Adv.

for contemnor:

Mr. Ranjeet Kumar, Sr. Adv.

Mr. Sanjay Bansal, Adv.

Mr. Dinesh Pandey, Adv.

Mr. G.K. Bansal

IA No.30

Mr. Manu Nair, Adv.

Mr. Dhruv Dewan, Adv.

for M/s S.A. Shroff & Co., Adv.

2

For Respondent(s)

Mr. T.L. Viswanatha Iyer, Sr. Adv.

Mr. C.K. Sasi, Adv.

State of WB

Mr. Rana Mukherjee, Adv.

Mr. Sidharth Gautam, Adv.

Mr. Suchit Mohanty, Adv.

Mr. Goodwill Indeevar, Adv.

for RBI

Mr. Ramesh Babu, Adv.

Ms. Manisha Singh, Adv.

Mr. Srinjoy Banerjee, Adv.

Ms. Hema Sahu, Adv.

Mr. C.L. Sahu, Adv.

Mr. B.B. Sawhney, Adv.

Mr. Mohd. A. Siddiqui, Adv.

Mr. Mohd. Jmal Nasir, Adv.

Mr. Aman Usman, Adv.

State of M.P.

Mr. Sakesh Kumar,Adv.

Ms. Yoymaya Agnihotri,Adv.

Mr. B.S. Banthia,Adv.

State of Chhattisgarh:

Ms. Suparna Srivastava,Adv.

Ms. Deepti Singh,Adv.

Mr. Rajesh Srivastava,Adv.

Mr. Rahul Srivastava,Adv.

Mr. Raj Kumar Gupta,Adv.

Mr. Sheo Kumar Gupta,Adv.

Mr. Ashok Kr. Chatterjee,Adv.

Mr. A.N. Baradaiyar,Adv.

Mr. Mukarand D. Adkar,Adv.

Mr. Vijay Kumar,Adv.

Mr. Vishwajit Singh,Adv.

for Intervenor:

Mr. Raja Chatterjee,Adv.

Mr. G.S. Chatterjee,Adv.

Mr. Deba Prasad Mukherjee,Adv.

Mr. D. Mahesh Babu,Adv.

3

Mr. S.N. Bhat,Adv.

Mr. Abhish Kumar,Adv.

Mr. Ajit Kumar Pandey,Adv.

Mr. Mukesh K. Giri,Adv.

Mr. Varinder Kumar Sharma,Adv.

Mr. Rajesh Srivastava,Adv.

Mr. Ajay Chaudhary,Adv.

Mr. T. Raja, Adv.

Mr. C.K. Sasi, Adv.

Mr. Arun K. Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

Having heard learned counsel for the parties we make the following directions:-

Reserve Bank of India will consider the matter comprehensively in the light of statutory

powers vested in it including the power under Section 45 MC of the Reserve Bank of India Act,

1934. After examining the matter in detail, it shall submit a comprehensive report to this Court

including its recommendations as to the steps which are considered by it necessary and desirable.

It will also examine which assets of the company have been sold or transferred after the issuance

of prohibitory orders.

The

Special Officer will

submit a full and complete statement before this Court showing the assets and liabilities of the

company and the charges, if any, on those assets. The statement will give approximate value of

the assets as of date. We appreciate that the Special Officer may not be in a position to give the

exact value of the assets, but we request him to give the approximate value, which may be

considered in the light of the report of the Reserve Bank of India.

Mr. Chaudhary, learned senior counsel appearing for the appellant states that his client

may also be permitted to give valuation of the assets on the basis of his calculation. We permit

him to do so.

Let a fresh notice be sent to CIT, Nadia and the Registrar of Companies as office

report shows that they have not been duly served.

Learned counsel for the State of Madhya Pradesh states before us that he has received

the report called for and he would be filing the same within a week.

Learned counsel for the State of Chhattisgarh states that she has received the reports

with regard to the cases and since the reports are in Hindi, she would get them translated and file

them in this Court within two weeks. Two weeks' time is granted to file the same.

Put up the matters after four weeks.

I.A. No.35/05 has been filed by the State of West Bengal, respondent No.1 praying that

appropriate directions may be given by this Court for appointment of Special Officer in place of

Hon'ble Mr. Justice Amal Kumar Chatterjee who has since died.

I.A. Nos. 31 to 34 have been filed by M/s Verona Commercial Credit and Investment

Company Limited. Certain directions are sought for in those applications.

It is not disputed before us that in the writ petition filed before the Calcutta High

Court, M/s Verona Commercial Credit and Investment Company Limited was one of the

respondents apart from Sanchayani Savings Investment (I) Ltd. and one other company.

The judgment and order of the High Court has been challenged before this Court only

by the appellants in Civil Appeal No.5168/2000. No appeal has been preferred by the other respondents

5

respondent companies before the High Court. In this view of the matter the judgment of the High

Court in respect of Verona Commercial Credit and Investment Company Limited has become

final and we are told that the High Court of Calcutta is seized of the matter. We also find

from the record that respondents 6,7,9 and 13 have already been deleted from the array of

respondents in the appeal pending before this Court.

In this view of the matter it would be appropriate if M/s Verona Commercial Credit

and Investment Company Limited moves the Calcutta High Court for appropriate directions.

In view of the above, I.A. Nos. 31, 32, 33 and 34 do not survive for consideration by

this Court and they are accordingly dismissed. Applicants may move the Calcutta High Court for

appropriate directions if so advised.

It is brought to our notice that since the record is common and the same has been

summoned by this Court, the Calcutta High Court may find it difficult to proceed with the

matters before it. In our view the record should be reconstructed and, if any assistance is sought

for by the High Court, the Registrar General shall extend all necessary help.

List the matter on 4th October, 2005.

(Ganga Thakur)

PS to Registrar

(Vijay Dhawan)

Court Master