

ZA  
ITEM NO.5

COURT NO.10

SECTION XVI

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

I.A.NOS. 23, 27,42,81-82, 122, 129-130, 132, 141,142, 145-146&147  
IN  
CIVIL APPEAL NO. 5168 OF 2000

SANCHAYANI SAVINGS INVESTMENT(I) LT.&ORS Appellant(s)

VERSUS

STATE OF WEST BENGAL & ORS Respondent(s)

(For directions and impleadment and office report )

WITH

IA Nos.148 to 151  
(appln.(s) for directions and impleadment)

WITH

CONMT. PET.(C) NO. 389 of 2004 IN C.A. No.5168/2000  
(With appln. for permission to submit addl. documents and  
office report)

Date: 26/11/2013 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE  
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Appellant(s)

Mr. Ugra Shankar Prasad,AOR.

Mr. Satyajit A.Desai, Adv.

Mr. Somanatha Padhan, Adv.

Ms. Anagha S.Desai, AOR.

/applicant

Mr. Vijay Kumar, Adv.

Mr. Vishwajit Singh, Adv.

For Respondent(s) Mr. V. Giri,Sr.Adv.(N.P.)

for Special Officer Mr. C.K. Sasi,AOR

Mr. B. Ramana Murthy,AOR.

Mr P.V. Narasimha, Sr. Adv.

Mr. Ashish Sethi, Adv.

Mr. Umang Shankar,AOR.

Mr. Sanjay Bansal,Adv.

Mr. G.K. Bansal,AOR.

Mr. C.S. Ashri,AOR.

Mr. Anip Sachthey,AOR

Mr. Saakaar Sardana,Adv.

Mr. Deba Prasad Mukherjee,AOR.

Mr. Gaurav Jain, Adv.

Ms. Abha Jain,AOR

Mr. N.K. Jain, Adv.

Mr. Avijit Bhattacharjee, AOR.

Mr. P.N. Puri, AOR.

Mr. Subhash Sharma, AOR.

Mr. Mahavir Singh, Adv.

Mr. J.P. Dhanda, AOR.

/applicant

Mrs. Raj Rani Dhanda, Adv.

Mr. N.A. Usmani, Adv.

Mr. Ramesh Babu M.R., Adv.

Mr. D. Mahesh Babu, AOR.

Mr. Abhijit Sengupta, AOR.

Mr. Ajay Choudhary, AOR.

Mr. P.S. Sudheer, AOR.

/applicant

Mr. Rishi Maheshwari, Adv.

Mr. Raj Kumar Kaushik, Adv.

Mr. Kunal Verma, AOR.

Mr. B. Ramana Murthy, AOR.

Mr. Shivaji M. Jadhav, AOR

Ms. Divya Sharma, Adv.

Mr. Vishwajit Singh, AOR.

Mr. Rana S. Biswas, Adv.

Mr. Sunil K. Sharma, Adv.

Mr. Matrigupta Misra, Adv.

/applicant

Ms. Sharmila Upadhyay, AOR

Mr. N. Ganapathy, AOR.

UPON hearing counsel the Court made the following

O R D E R

I.A. Nos. 81-82:

We have perused the Report of the Enquiry Authority dated 30.10.2013. As per this Report, the Special Officer is expected to pay an amount of Rs.11 Lakhs to Rajinder Bapusu Kadam, in full and final settlement of the claim in Civil Suit No.210 of 2000, pending before the Civil Judge(Sr.Division) Kolhapur,, whereafter the said applicant-Mr. Kadam, is to withdraw the Civil Suit. Mr. Vijay Kumar, counsel, appears for Mr. Kadam and Mr. Sasi, AOR, has appeared for the Special Officer. The Report of the Enquiry Authority is accepted. Both these IAs are disposed of, with liberty to the Special Officer to deposit the amount in the aforesaid proceeding at Kolhapur. On depositing that amount, the aforesaid Mr. Kadam will vacate the plot, which he has occupied, leaving whatever articles that are lying inside as per the Report of the Enquiry Authority. Only after the plot is cleared, this amount will be permitted to be withdrawn and the suit shall also be disposed of.

Both these IAs are disposed of in the above terms.

Mr. Sasi, counsel states that the amount will be deposited

within four weeks.

I.A. No.142/2012:

Heard the counsel, Mr. Subhash Sharma, in support of this I.A. and Mr. Sashi, counsel for the Special Officer. This interlocutory application seeks impleadment and direction, that the Special Officer be directed to execute sale deeds in favour of the hereinbelow mentioned nine applicants with respect to their respective flats of Sanchayani Prestige Apartment, situated at Nagpur. The names of these 9 applicants and the amounts to be paid by them are as follows:-

1.Mr.Vilas V.Radke, r/o Flat No.G-302 -	Rs.1,60,095.00	
2.Mr.Prashant B.Maheshwary, r/o Flat No.C-401 -	Rs.4,50,000.00	
3.Smt.Shobha P.Maheshwary r/o Flat No.C-402 -	Rs.4,50,000.00	
4.Mr.V.L. Jadhao,r/o Flat No.G-003-	Rs.42,000.00	
5.Mr.D.M. Bederkar, r/o Flat No.A-101 -	Rs.35,500.00	
6.Mr.R.L. Warkar, r/o Flat No.A-004 -	Rs.27,390.00	
7.Mr.Rajesh Prasad D.Pandey, r/o Flat No.H-004 -	Rs.15,500.00	
8.Mrs.Kusum W.Tumane, r/o Flat No.B-102 -	Rs.3,10,000.00	
9.Mr.S.C. Bakshee, r/o Flat No.B-304 -	Rs.31,313.00	

The Enquiry Authority has given a report that on receiving those amounts, the sale deeds be executed in their favour, at their expenses. Those amounts are to be paid with interest @ 12% per annum from the date of taking possession by the unit-holder till the date of payment of balance amount. It is also made clear that as per the Report of the Enquiry Authority, that the liability with respect to municipal or electricity dues will be borne by the unit holders. The travelling and other incidental expenses of the Special Officer for registering the sale deeds, etc. will also be borne in by those applicants either individually or collectively. The Report is accepted.

I.A. No.142 is disposed of in the above terms.

I.A. No.147:(for intervention/impleadment)

As far as this I.A. is concerned, Ms. Anagha S.Desai, AOR has filed this I.A. The Special Officer will make available copy of this I.A. to the Enquiry Authority. We request the Enquiry Authority to submit its report.

I.A. No.151:(for Directions)

Mr. Shivaji M.Jadhav, AOR, has filed this I.A. The Special Officer will make available copy of this I.A. to the Enquiry Authority. We request the Enquiry Authority to submit its report.

I.A. No.149:(for Directions)

Mr. J.P. Dhanda,AOR, has filed this I.A. The Special Officer may file an affidavit giving the market value of the concerned flat.

I.A. No.150 OF 2013 IN I.A.NO.47 OF 2006:

Perused I.A.No.47 of 2006, filed by the Special Officer. Heard Mr. C.K.Sasi,AOR, in support of this application. As prayed, Nand Kumar Harchandani, is directed to be impleaded as a respondent in this I.A.No.47 and cause title be corrected accordingly. Let notice issue of this I.A., to this added party, returnable after six weeks.

All the other matters stand adjourned to 21.01.2014.

[ Sheetal Dhingra ]  
A.R-cum-P.S.

[ Sneha Lata Sharma ]  
Court Master