

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. 20, 23, 27, 122, 129-130, 132, 133, 138, 145 & 146
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

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: 22/10/2013 This matter was 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,Adv.

For Respondent(s) Mr. V. Giri,Sr.Adv.
Mr. C.K. Sasi,Adv.

Ms. Seema Rao,Adv.
Mr. Chetan Chawla,Adv.
Ms. Sushma Suri,Adv.

Mr. B. Ramana Murthy,Adv.

Mr. Sanjay Bansal,Adv.
Mr. G.K. Bansal,Adv.

Mr. Manish Pitale,Adv.
Mr. C.S. Ashri,Adv.

Mr. Anip Sachthey,Adv
Mr. Mohit Paul,Adv.

Mr. Deba Prasad Mukherjee,Adv.

Ms. Abha Jain,Adv.

Mr. Rajiv Shankar Dwivedi,Adv.

Mr. Avijit Bhattacharjee,Adv.

Mr. N. Ganpathy,Adv.

Mr. P.N. Puri,Adv.

Mr. Subhash Sharma,Adv.

Mr. J.P. Dhanda, Adv.
Mrs. Raj Rani Dhanda, Adv.
Mr. N.A. Usmani, Adv.

Mr. Ramesh Babu M.R., Adv.
Ms. Swati Setia, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Ajay Choudhary, Adv.

Mr. P.S. Sudheer, Adv.
Mr. Abu John Mathew, Adv.
Mr. Rishi Maheshwari, Adv.
Mr. Raj Kumar Kaushik, Adv.

Mr. C.D. Singh, Adv.
Ms. Sakshi Kakkar, Adv.

Mr. Kunal Verma, Adv.

Mr. B. Ramana Murthy, Adv.

Mr. S.M. Jadhav, Adv.

Mr. Vishwajit Singh, Adv.

Mr. R.R. Dubey, Adv.
Ms. Sharmila Upadhyay, Adv.

Mr. Umang Shankar, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A. No.20:

None present in support of this I.A. In any case, Mr. Giri, learned senior counsel appearing for the Special Officer has brought to our notice the affidavit filed in reply to this I.A., which denies the allegations made against the Special Officer. This I.A. is rejected.

I.A. No.23:

Mr. Giri, learned senior counsel appearing for the Special Officer will get the up-to-date information with respect to Complaint No.473/2004 referred to in prayer (b) in this I.A. List this I.A. on 26th November, 2013.

I.A. No.27:

As far as prayer (b) of this I.A. for staying the criminal proceedings against the employees is concerned, we have perused the report submitted by the Enquiry Authority dated 9.1.2013. We accept the report. Prayer (b) for staying the criminal proceedings against the employees is, therefore, rejected.

As far as prayer (c) for release of the Provident Fund amount of the employees is concerned, we request the Enquiry Authority to hear the Provident Fund Office, Nagpur as well as the representative of the employees and make an appropriate report to this Court.

Prayer (a) of this I.A. is on the footing that Mr. Sudipto Sen has been given protection against the arrest way back on 2.12.2004. Mr. Giri, learned senior counsel appearing for the Special Officer points out that that order was passed so that Mr. Sen assists

the investigation. He, however, submits that the help is not coming forward. So also is the statement of Mr. Ramesh Babu, learned counsel appearing for the Reserve Bank of India. In the circumstances, we issue notice to Mr. Sudipto Sen to show cause as to why the order dated 2.12.2004 passed by this Court should not be recalled.

List this I.A. on 26th November, 2013.

I.A. No.133:

Heard the counsel for the applicant. We do not see any reason to grant the protection as sought in this application. This I.A. is rejected.

I.A. No.122:

The Special Officer will file a report, supported by an affidavit, placing on record as to when the charge of various Branch Offices was taken, along with an inventory and the details of what was the material recovered including computers, ledgers, account books and other materials. A break up of the various claimants into different categories also be submitted before the next date of listing. List this I.A. on 26th November, 2013.

I.A. No.145:

The Special Officer will inform this Court on the next date as to whether the Overland Investment Ltd. Has any connected with the Sanchayani Savings Investment Ltd. List this I.A. on 26th November, 2013.

I.A. No.146:

A copy of this I.A. be forwarded to the Enquiry Authority. We request the Enquiry Authority to make a report available to this Court after hearing all concerned. List this I.A. on 26th November, 2013.

I.A. Nos.129-130:

The Special Officer will take instructions and inform this Court on the next date. List the I.As. on 26th November, 2013.

I.A. No.138:

Heard the counsel for the applicants as well as Mr. Giri, learned senior counsel appearing for the Special Officer. The I.A. is allowed. The Special Officer is permitted to execute the sale deed in favour of the applicants as observed by the Enquiry Authority by its report dated 10.7.2013.

(A.S. BISHT)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER