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ITEM NO.1

COURT NO.13

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.122, 20, 129-130, 132, 133, 136-138, 141, 142, 143,144 & 27  
IN  
CIVIL APPEAL NO.5168 OF 2000

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

VERSUS

STATE OF WEST BENGAL & ORS Respondent(s)

(For directions, impleadment and office report)

With Contempt Petition (C) No.389/2004 in Civil Appeal No.5168/2000  
(With appln(s) for permission to submit additional document(s) and  
office report)

Date: 03/04/2013 These Matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Appellant(s) Mr. Ashok Mathur,Adv.  
Mr. Ashish Sethi,Adv.  
Mr. Ugra Shankar Prasad,Adv.

For Applicant(s)/ Mr. Sanjay Bansal,Adv.  
Petitioner(s) Mr. G.K. Bansal,Adv.

For Special Officer Mr. C.K. Sasi,Adv.

For Respondent(s) Mr. Jitender Sharma,Sr.Adv.  
In I.A.27 Mr. Reepak Kawsal,Adv.  
Mr. Ajay Choudhary,Adv.  
Mr. Ugra Shankar Prasad,Adv.  
Mr. Deba Prasad Mukherjee,Adv.  
Mr. Abhijit Sengupta,Adv.  
Mr. Ramesh Babu M.R.,Adv.  
Ms. Manisha Nair,Adv.  
Ms. Swati Setia,Adv.

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Mr. C.S. Ashri,Adv.

In I.As 129 & 130 Mr. Vikramjit Banerjee,Adv.  
Mr. P.S.Sudheer,Adv.  
Mr. Rishi Maheshwari,Adv.  
Mr. Abu John Mathew,Adv.  
Mr. Kunal Verma,Adv.  
Mr. Vishwajit Singh,Adv.  
Mr. Shivaji M. Jadhav,Adv.

Ms. Abha Jain,Adv.

Mr. P.N. Puri,Adv.

Mr. D. Mahesh Babu,Adv.

In I.A.133

Mr. R.R. Dubey,Adv.

Mr. P. Mishra,Adv.

Mr. Sujit Singh,Adv.

Ms. Sharmila Upadhyay,Adv.

Mr. Bikas Kargupta,Adv.

Mr. Avijit Bhattacharjee,Adv.

Ms. Sarbani Kar,Adv.

Mr. Subhash Sharma,Adv.

Mr. B. Ramana Murthy,Adv.

For eBay Inc.

Dr. Abhishek M. Singhvi,Sr.Adv.

Mr. Nikhil,Adv.

Mr. Rajendra Barot,Adv.

Mr. Gaurav Kothari,Adv.

Mr. N. Ganpathy,Adv.

In I.As 143 & 144 Mr. J.P. Dhanda,Adv.

Ms. Raj Rani Dhanda,Adv.

Mr. S.W.A. Qadri,Adv.

Mr. Chetan Chawla,Adv.

Ms. Rashmi Malhotra,Adv.

Ms. Sushma Suri,Adv.

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UPON hearing counsel the Court made the following

O R D E R

I.A. Nos.143 and 144:

Heard Mr. J.P. Dhanda for the applicants, who seeks permission for removal of articles which have been left inside Flat Nos.E-501 and E-502, Sanchayani Prestige Complex, Swawlambi Nagar, Nagpur. Learned counsel for the Special Officer has no objection.

Let the removal of articles be done in the presence of representative of Special Officer. The applicants shall bear the traveling expenses of the Special Officer from Calcutta and back.

The interlocutory applications are, accordingly, allowed.

I.A. Nos.136 and 137:

Heard Mr. Ashok Mathur, learned counsel in support of these interlocutory applications.

These applications point out that on the website of eBay Inc. the advertisement for sale of the endowment certificate of the Sanchayani Savings and Investment (I) Limited was put and the grievance of the appellant is that this induces the sale and purchase of the endowment certificate.

The prayer is that it should not be permitted. Dr. Abhishek M. Singhvi, learned senior counsel appearing for eBay Inc. pointed out that eBay Inc. is only an intermediary within the definition of Section 2(w) of the Information and Technology Act, 2000, [for short, 'the Act'] and also that under Section 79 of the Act, the intermediary is exempted from any liability arising out of material that is

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put up on the website. He, therefore, points out that these kind of applications will prevent the intermediaries from doing their business lawfully. We see merit in the submission of Dr. Singhvi. It is also stated in the affidavit of the eBay Inc. that particular certificate has been withdrawn from the site of eBay. As far as such future advertisements are concerned, if any such advertisement is noticed by the appellant, it will bring the same to the notice of the Special Officer, who thereafter will bring to the notice of eBay Inc. and they will remove such advertisement within 48 hours. It is also stated by learned senior counsel for the eBay Inc. that they will inform the Special Officer as to who has put up this advertisement. This takes care of the grievance of both the parties.

The interlocutory applications are, accordingly, disposed of.

I.A. Nos.129 and 130:

On the request of Mr. Vikramjit Banerjee, learned counsel, the interlocutory applications are adjourned as he intends to produce the supporting documents to show that the balance of Rs.3,25,000/- towards the purchase of the Flat has been paid by the applicant. We request the Enquiry authority to look into the material and present the report.

Place these interlocutory applications after the report is received.

I.A. Nos.122 and 132:

Let these interlocutory applications be taken up after three weeks, within which time further affidavit may be filed by the persons represented by Mr. Bansal.

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I.A. Nos.138 and 141:

Let the copies of these interlocutory applications be forwarded to the Enquiry authority and after receiving the report, the same may be notified.

I.A. No.27:

Upon oral mentioning by Mr. Jitender Sharma, learned senior counsel, place this application after three weeks.

I.A. No.133:

Place this application after three weeks.

I.A. No.20:

Place this application after three weeks.

[ Alka Dudeja ]  
A.R.-cum-P.S.

[ Sneha Lata Sharma ]  
Court Master