

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

IA Nos. 122, 20, 59, 125-127, 132, 133, 134 and 135 in  
CIVIL APPEAL NO(s). 5168 OF 2000

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

VERSUS

STATE OF WEST BENGAL & ORS Respondent(s)

(For directions and with recommendatory order dated 13.10.2011 and  
26.07.2012 of Hon'ble Enquiry Authority, impleadment, 33rd and 34th Status  
Report of Special Officer and Office Report)

WITH  
CONMT.PET.(C) NO. 389 of 2004  
[SANCHAYNI ABIKARTA AVAM UPBHOKTA ASSON. V. SUDIPTO SEN]  
(With application for permission to submit additional documents and office  
report)

Date: 09/10/2012 These Applications/Petition were called on for  
hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK  
HON'BLE MR. JUSTICE H.L. GOKHALE

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

For Applicant (s)

IA 122, 132 Mr. Sanjay Bansal, Adv.

In IA 125-127 Mr. Manish Pitale, Adv.  
Mr. C.S. Ashri, Adv.

In ia 133 Mr. R.R. Dubey, Adv.  
Mr. Param Mishra, Adv.  
Ms. Sharmila Upadhyay, Adv.

in IA NO. 134 & 135 Mr. V.C. Daga, Sr. Adv.  
Mr. Anjani Dey, Adv.  
Mr. T.C.S. Raghavendra Sreyas, Adv.  
Ms. Ritu Rastogi, Adv.  
Mr. Nikhil Nayyar, Adv.

For Respondent(s)

For Union of India Mr. P.P. Malhotra, ASG.  
Mr. Tara chandra Sharma, Adv.  
Mr. Chetan Chawla, Adv.  
Ms. Sushma Suri, Adv

For State of West Bengal

Mr. Soumitra G. Chaudhuri, Adv.  
Mr. Abhijit Sengupta, Adv.  
Mr. Faisal M., Adv.

Mr. Anip Sachthey, Adv.  
Mr. Mohit Paul, Adv.  
Ms. Shagun Matta, Adv.

For Reserve Bank of India

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

Mr. Atul Jha, Adv.  
Mr. Sandeep Jha, Adv.

Mr. Dharmendra Kumar Sinha, Adv.

Mr. Gaurav Jain, Adv.  
Ms. Abha Jain, Adv.

Mr. G.K. Bansal, Adv.

Mr. P.N. Puri, Adv.

Mr. D. Mahesh Babu. , Adv.

Mr. C.K. Sasi, Adv.

Mr. Ajay Choudhary, Adv.

Mr. P.S.Sudheer, Adv.

Mr. Kunal Verma, Adv.

Mr. Deba Prasad Mukherjee, Adv.

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

IA No. 122

The main prayer in this application is to direct the Special Officer to start disbursing towards the claims of the depositors of second and third categories on the basis of acknowledgements, affidavits and immunity bonds.

Pursuant to orders passed by this Court on 3rd May, 2012, details of depositors of second and third categories as available with the applicant have been filed in court and copies of the said details have been furnished to learned counsel appearing for the Special Officer.

Before we direct the Special Officer to verify the details of the depositors of second and third categories and pass any orders with regard to disbursement of their claims, we call upon the learned counsel appearing for the Special Officer to obtain instructions from Special Officer as to whether he will be in a position to verify the claims on the basis of whatever documents are already available with him by the next date of hearing.

IA No. 20

This is an application filed by Ashok Rane praying that he would like to place on record an affidavit dated 22nd April, 2004. The affidavit dated 22nd April, 2004 has been annexed to the application and the same is taken on record.

Sanchayani Abhikarta Avam Upbhokta Association, Indore and Sanchayani Welfare Association, Delhi against whom allegations have been made in the affidavit filed by Ashok Rane will file a reply to the affidavit by the next date of hearing.

Any reply may also be filed on behalf of any of the appearing parties in this case including the Reserve Bank of India by the next date of hearing.

IA Nos. 125-127

These are applications filed by Kalobaran Banerjee, praying that an order be passed directing the Special Officer to accept the balance amount from the applicant in respect of Flat No. G-103, in Sanchayani Prestige Complex at Swavlambinagar, Nagpur and to execute the sale deed in favour of the applicant in respect of the said flat. A report dated 26th July, 2012 has been submitted by the Enquiring Authority in which approval of this Court is sought on the direction to the Special Officer to execute the sale deed in favour of the applicant in respect of the aforesaid flat in case the applicant pays a sum of `2,01,145/- with interest thereon at the rate of 12 per cent per annum from 18th August, 2000 till the date of payment.

Considering the aforesaid report submitted by the Enquiring Authority, we direct the Special Officer to execute the sale deed on receipt of the said sum of `2,01,145/- with interest thereon at 12 per cent per annum from 18th August, 2000 till the date of payment from the applicant. The payment be made within eight week from today and the sale deed be executed within four weeks thereafter.

Applications stand disposed of.

IA NO. 132

This is an application filed by Sanchayani Abhikarta Avam Upbhokta Association praying for directions to the Reserve Bank of India to initiate the proceedings under Section 45MC of the Reserve Bank of India Act, 1934 for winding up of the appellant-Sanchayani Savings and Investment (I) Limited. The aforesaid appellant-Company and the Reserve Bank of India will file their respective responses to the application by the next date of hearing.

IA No. 133

Await service of notice on Secretary (Home) Goa. The matter will be listed on the next date along with the service report.

IA No. 134

This is an application to implead the applicant Poonam Heights Apartment Owners Cooperative Housing Society Limited, Nagpur as a party respondent.

We have heard learned counsel for the applicant and we find that in IA No. 117, a prayer has been made to direct respondent No. 2, its servants and agents and officers to deliver vacant and peaceful possession of Plot Nos. 15, 18 and 19, which are said to be in the occupation of the applicant.

We order that the Poonam Heights Apartment Owners Cooperative Group Housing Society Limited will be heard by the Enquiring Authority in IA NO. 117 of 2010 before any report is submitted by the Enquiring Authority.

Application stands disposed of in the above terms.

IA No. 135

In view of the orders passed in IA No. 134, we are not inclined to consider this application at this stage and we, accordingly, dismiss this application.

In case the applicant is aggrieved by the Report of the Enquiring Authority, he may file an appropriate application at that stage.

IA NO. 59

Considering the recommendation of the Enquiring Authority to direct the Special Officer to pay a sum of `5,81,710/- to Regional Employees Provident Fund Commissioner, Nagpur in full

discharge of the obligations of the appellant-Company towards its due towards Employees' Provident Fund for the year 2001-2002.

The recommendation is accepted and the Special Officer is directed to pay the aforesaid amount to the Regional Employees' Provident Fund Commissioner, Nagpur.

#### 34TH STATUS REPORT

In the 34th Status Report of Special Officer, it is stated at page 15 that pursuant to the order dated 21st September, 2006, the Special Officer had filed a suit in the Court of the fourth Joint Civil Judge, Senior Division, Nagpur being Suit No. 1025 of 2006 to settle the dispute over the right of ownership in respect of land at Amarabati Road, Nagpur, but by order dated 27th September, 2007, the trial court had dismissed the suit after holding the same to be not maintainable. Thereafter the Special Officer has filed First Appeal being FA No. 10/2008 before the Bombay High Court, Nagpur Bench. It is further stated in the Status Report that the First Appeal is not likely to be disposed of in the next 20 to 25 years and in this background to defendant in the suit, M/s AIR Developers have submitted a proposal for compromise for refund of Rs. 28 lakhs paid by Sanchayani to the owners of the land together with interest at the rate of 9 per cent per annum.

We request the Enquiring Authority to consider the aforesaid proposal for compromise on its own merits and give its opinion whether it will be in the interest of the Company and the depositors to compromise the suit in the First Appeal as proposed. The defendant in the suit will assist the Enquiring Authority in this matter. A copy of the 34th Status Report of the Special Officer will be sent to the Enquiring authority along with the copy of this order.

List these applications on 11th December, 2012.

#### CONTEMPT PETITION

List this matter on the next date of hearing i.e., 11th December, 2012.

[KALYANI GUPTA]  
COURT MASTER

[SHARDA KAPOOR]  
COURT MASTER