

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. 114, 119-120, 122, 123, Unregistered Interlocutory
Application and I.A Nos. 83-92 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, impleadment and intervention and impleadment as party
respondent and office report and appln.(s) for directions and
impleadment)

CONMT.PET.(C) NO. 389 of 2004 in CIVIL APPEAL NO. 5168 OF 2000
(With appln.(s) for permission to submit additional document(s) and
office report)

Date: 01/11/2011 These Interlocutory Applications in the Appeal &
the Contempt Petition were called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s) Mr. Anoop G. Chaudhary, Sr. Adv.
Mr. Ashok Mathur, Adv.
Mr. Ugra Shankar Prasad, Adv.

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

Dr. S.K. Verma, Adv.

For Spl. Officer Mr. L. Nageswara Rao, Sr. Adv.
Mr. C.K. Sasi, Adv.

For Respondent(s) Mr. Wasim A. Qadri, Adv.
Mr. Shailnder Saini, Adv.
Mr. Zaid ali, Adv.
Mr. S.N. Terdal, Adv.

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Mr. Deba Prasad Mukherjee, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Arun K. Sinha, Adv.

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

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

Mr. C.L. Sahu, Adv.

Mr. Arvind S. Avhad, Adv.
Ms. Chandan Ramamurthi, Adv.

Mr. G.K. Bansal, Adv.

Mr. S.N. Bhat, Adv.

Mr. Abhishth Kumar, Adv.

Mr. Ugra Shankar Prasad, Adv.

Mr. D.S. Mahra, Adv.

Ms. Abha R. Sharma, Adv.

Mr. Mukesh K. Giri, Adv.
Mr. Dilip Kr. Sharma, Adv.
Mr. Rachit Mittal, Adv.
Ms. Vidya Bhardwaj, Adv.

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

Mr. Prashant Kumar, Adv.

Ms. Asha Gopalan Nair, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. Ashiesh Kumar, Adv.

Mr. Varinder Kumar Sharma, Adv.

Ms. A. Sumathi, Adv.

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Mr. Nishant Ramakantrao Katneshwarkar, Adv.

Mr. Shekhar Prit Jha, Adv.

Mr. Ajit Kumar Pande, Adv.

Mr. Sanjay Bansal, Adv.
Mr. Ajay Choudhary, Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

Mr. P.V. Dinesh, Adv.

Ms. Nanita Sharma, Adv.

Mr. Sunil Kumar Verma, Adv.

Mr. D.N. Goburdhan, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. Nikilesh Ramachandran, Adv.

Mr. Dip Narayan Mittra, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Sanjay Jain, Adv.

Mr. Atul Jha, Adv.
Mr. Rajesh Srivastava, Adv.

Mr. P.S. Sudheer, Adv.

Mr. Manish Pitale, Adv.

Mr. Wasi Haider, Adv.

Mr. C.K. Ashri, Adv.

Mr. Balaji Srinivasan, Adv.

Appln. for
intervention

Mr. Kunal Verma, Adv.

Mr. Ashok Kr. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

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INTERLOCUTORY APPLICATIONS NOS. 83-92

Heard learned counsel for the applicants,

Mr. L. Nageswara Rao, learned senior counsel for the Special Officer, and Mr. Anoop G. Chaudhary, learned senior counsel for the appellants.

Impleadment allowed.

In the course of hearing, the consensus emerged

between the parties for the following order :

(i) The Special Officer shall have the current market value determined in respect of the flats, details of which have been given in Schedule 'A' annexed with this order, through a Valuer approved by the Income Tax Department who shall take into consideration the relevant materials and guidelines including the recent sale/s of similar properties in the locality.

(ii) The Special Officer shall have the above exercise completed within one month from today and communicate the valuation to the concerned applicant/s.

(iii) The concerned applicant/s shall pay the current market value of such flat as intimated by the Special Officer within eight weeks from the date of intimation. On payment of the sale price,

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the Special Officer shall have the sale deed/title deed executed in favour of the purchaser/s.

(iv) In case the payment so intimated by the Special Officer is not deposited by the applicant/s within eight weeks from the intimation, the Special Officer shall take necessary steps for removing the applicant/s from the concerned flat and take further steps for sale of such flat as per the existing procedure which has been followed for other properties. In the event of default, the applicant/s shall be estopped from raising any claim in respect of the concerned flat before any court or forum.

Applications for directions stand disposed of as indicated above.

INTERLOCUTORY APPLICATIN NOS. 119-120

Heard.

Impleadment allowed.

Application for directions concerns flat No. B-401, Sanchyani Prestige Complex at Swavlambinagar, Nagpur.

The Enquiry Authority in its order dated September 1, 2011 observed thus :-

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"...Adopting the same course, I direct the applicant to deposit a sum of Rs. 10,000/-, the balance unpaid amount, with interest thereon @ 12% per annum from 28.07.1998 till the date of payment of the sum to the Special Officer. On receiving the amount so tendered, the Special Officer will execute the requisite sale deed in favour of the applicant at the expense of the applicant."

The learned counsel for the applicant submits that the applicant is ready and willing to deposit Rs. 10,000/- (Rupees Ten Thousand) with interest within eight weeks from

today as observed by the Enquiry Authority in its order dated September 1, 2011.

Mr. L. Nageswara Rao, learned senior counsel appearing for the Special Officer, submits that on receiving the amount as indicated above, the Special Officer shall execute the requisite sale deed in favour of the applicant at the expense of the applicant. The statement of Mr. L. Nageswara Rao made on behalf of the Special Officer is accepted.

In view of the above, application for directions stands disposed of.

INTERLOCUTORY APPLICATION NO. 123

Impleadment of the applicant is allowed.

The Enquiry Authority is requested to look into the genuineness of the applicant's claim in respect of the property details of which have been given in paragraph 2(b) of the application for directions and submit its report as early as may be possible.

INTERLOCUTORY APPLICATION NO. 114

Mr. Anoop G. Chaudhary, learned senior counsel for the applicants/appellants prays for withdrawal of this application with liberty to make fresh application at an appropriate stage.

Interlocutory application is dismissed as withdrawn.

INTERLOCUTORY APPLICATION NO. 122

As regards prayer (i), Mr. Anoop G. Chaudhary, learned senior counsel, prays for some time to enable the appellants to file written response. As prayed, time of four weeks is granted for that purpose.

In so far as prayer (ii) is concerned, Mr. L. Nageswara Rao, learned senior counsel appearing for the Special Officer, submits that the feasibility of the

prayer shall be considered by the Special Officer and the report shall be submitted within four weeks.

List this interlocutory application after four weeks.

UNREGISTERED INTERLOCUTORY APPLICATION FOR INTERVENTION

Mr. Kunal Verma, learned counsel for the applicant shall furnish copy of this application to all concerned parties within one week from today.

List this unregistered interlocutory application after four weeks.

CONMT.PET.(C) NO. 389 of 2004 in CIVIL APPEAL NO. 5168 OF 2000

Contempt Petition to be heard along with the main Civil Appeal.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master

Schedule 'A' is annexed herewith
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SCHEDULE 'A'

Sr.No.	I.A. Nos.	Name of the Applicant/s	Flat No.
1.	83-84	Kantadevi & Anr.	B-503
2.	85-86	Meena Kothari	E-501
3.	87-88	Mohan Shrigiriwar	E-503
4.	89-90	Malti Thombre	D-204
5.	91-92	Ravikumar	E-502