

ITEM NO.1

COURT NO.3

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.No.96(For impleadment as party respondent filed on 23.10.08)

I.A.No.97 (For directions filed on 23.10.2008)

I.A.No.98 (For impleadment as party respondent filed on 23.10.08)

I.A.No.99 (For directions filed on 23.10.2008)

I.A.No.118 (For directions filed on 19.01.2011)

in

CIVIL APPEAL NO. 5168 OF 2000

SANCHAYANI SAVINGS INVESTMENT(I) LT.&amp;ORS

Appellant (s)

VERSUS

STATE OF WEST BENGAL &amp; ORS

Respondent(s)

(With office report)

WITH

CONTEMPT PETITION(C)NO.389/2004 IN C.A.No.5168/2000

Date: 12/05/2011      This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE A.K. PATNAIK

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

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

For Special Officer    Mr. L. Nageshwara Raom,Sr.Adv.

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Mr. C.K. Sasi,Adv.

For Respondent(s)    Mr.    P.P. Malhotra, ASG  
(For UOI)                Mr.    Wasim A.Qadri,Adv.  
                                 Mr.    Shalinder Saini,Adv,  
                                 Mr.    S.N. Terdal,Adv.

                                 Mr. Deba Prasad Mukherjee,Adv.  
                                 Mr. Arun K. Sinha ,Adv.

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

(St. of Chhattisgarh) Mr. Atul Jha ,Adv.  
Mr. D.K. Sinha ,Adv.  
  
Mr. C.L. Sahu ,Adv.  
  
Mr. Arvind S. Avhad ,Adv.  
Ms. Chandan Ramamurthi ,Adv  
  
Mr. G.S. Chatterjee ,Adv  
  
Ms. Indra Sawhney ,Adv  
  
M/S Suresh A. Shroff & Co. ,Adv  
  
Mr. S.N. Bhat ,Adv  
  
Mr. Ugra Shankar Prasad ,Adv  
  
Mr. Goodwill Indeevar ,Adv  
  
Mr. D.S. Mahra ,Adv  
  
Ms. Abha R. Sharma ,Adv  
  
Mr. Shivaji M. Jadhav ,Adv

(St. of M.P.) Mr. B.S. Banthia ,Adv  
  
Mr. Mukesh K. Giri ,Adv  
  
Mr. Prashant Kumar ,Adv  
  
Ms. Asha Gopalan Nair ,Adv  
  
Mr. D. Mahesh Babu ,Adv  
  
Mr. Vishwajit Singh ,Adv

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Mr. Ashiesh Kumar ,Adv  
  
Mr. Varinder Kumar Sharma ,Adv  
  
Mr. Shekhar Prit Jha ,Adv  
  
Mr. Ajit Kumar Pande ,Adv  
  
Mr. Ajay Choudhary ,Adv  
  
Ms. Vibha Datta Makhija ,Adv  
  
Mr. Ravindra Keshavrao Adsure ,Adv  
Mr. P.V. Dinesh ,Adv  
  
Mr. Gaurav Agrawal ,Adv  
  
Ms. Jyoti Mendiratta ,Adv  
  
Ms. Anagha S. Desai ,Adv  
  
Ms. Sushma Suri ,Adv.

(For RBI) Mr. Ramesh Babu M.R.  
Ms. Swati Setia ,Adv.  
Ms. Manisha Nair ,Adv.

(St. of Meghalaya) Mr. Ranjan Mukherjee ,Adv.  
Mr. S. Bhowmick ,Adv.

Mr. S.C. Ghosh, Adv.

(Applicant-I.A.No.30) Mr. Jay Savla, Adv.  
Ms. Meenakshi Ogra, Adv.  
Ms. Renuka Sahu, Adv.  
Mr. Sumit Ghosh, Adv.

(Applicant-UR 24/07) Mr. Jayanth Muth Raj, Adv.  
Mr. Sureshan P, Adv.

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

Perused the 31st (Thirty First) Status  
Report of the Special Officer.

The Special Officer has sought  
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permission to return the demand draft/cheques

which were received by him alongwith bids for

the sale of properties as per order dated

8.10.2009. Subsequently, this Court has

directed the Special Officer to take steps to

have the property re-advertised. In view of

it, the Special Officer is permitted to return

the demand drafts/cheques which were received

from bidders in regard to the earlier

advertisements against acknowledgment. If the

demand drafts/cheques, are with the Registry,

they may be delivered to the special Officer

for returning them to the bidders.

The payment/cheques to the depositors

were being sent Under Certificate of Posting.

As the Postal Department has discontinued with

the system of accepting letters under

Certificate of Posting, the Special Officer has

sought permission to send the cheques to the

depositors by registered post instead of Under

Certificate of Posting. Permission is granted

accordingly.

The matter relating to Joint Development

Agreement with Abismith Enterprises and the alleged encroachment of some portion of the land which is the subject matter of Joint

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Development Agreement is referred to the Enquiry Authority.

We will next consider the Report dated 27.4.2011 relating to orders passed by the Enquiry Authority on several applications.

The order dated 7.12.2010 in I.A.No.111/2010 is perused, and accepted. Consequently, I.A.No.111/2010 is dismissed.

The order dated 13.1.2011 in I.A.No.24 of the Enquiry Authority is examined and accepted. I.A.No.24 is dismissed.

The order dated 10.3.2011 of the Enquiry Authority in I.A.No.94/2008 and I.A.No.95/2008 is accepted. We direct the applicant to pay interest on the sum of ` 2,65,000/- from 19.5.1998 till date of payment at the rate of 12% per annum, in full and final settlement of the obligations towards the purchase of the flat. On making such payment, the Special Officer is directed to execute requisite sale deed in favour of the applicant at his expense. On such execution of sale deed, the applicant shall withdraw the execution proceedings pending before the Consumer Forum.

Perused the order of the Enquiry

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Authority dated 10.3.2011 in U.R.-24 which is the application by the children of one of the Directors claiming release of the sealed residential house B-1-95/A/13, Nargi Parbangla, P.S. Mehestala, District 24 Parganas (South), West Bengal. The same is accepted and the

application is allowed and the Special Officer is directed to remove the seal and release the premises to the applicants.

Perused the order dated 28.4.2011 in I.A.40. The order is accepted and the applicant is permitted to pay interest on the original sum of ` 7,19,390/- at 6% per annum for a period of one year. On payment of the said amount, the dispute shall stand settled and the application filed by the Special Officer for setting aside the ex-parte decree in the trial court shall stand closed. On receipt of the further amount to be paid, the Special Officer, after taking the permission of this Court ensure that possession of property is given to the applicant. The amount lying in deposit with the court of the Civil Judge, Junior Division, Nagpur in Civil Suit No.1846  
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of 1997, alongwith the accrued interest will be disbursed to the special Officer.

Perused the order dated 28.4.2011 in regard to I.A.75-76. The applicant claims that she has purchased Flat No.C-502, Sanchayini Prestige Complex, Nagpur and has prayed for a direction to the Special Officer to accept ` 2,69,700/- being the balance consideration and convey the title of the property. After considering the fact that Enquiry Authority has rightly observed that the applicant is not entitled to any relief. The application is accordingly dismissed. The District Magistrate shall ensure that representatives of the

Special Officer is put back in possession or is enabled to take possession of the flat, if possession thereof has been interfered with anyone.

Perused the order dated 5.5.2011 in regard to I.A.30 filed by the legal representatives of the applicant Licensor (Late Dr. S.C. Ladhawala).

After considering the matter, the Enquiring Authority has suggested

that on payment of ₹ 21,72,981.76 by the

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applicants to the Special Officer in full and

final settlement of the claims between the

company and the Late Dr. Subodh Chandra

Ladhawala relating the Special Officer shall

put the LRs of Late Dr. Ladhawala in possession

of the premises. The said order is accepted

and the application is allowed accordingly. If

the Criminal Investigation Department (CID),

Bombay has put any seal on the property, the

same shall be removed on such payment and

confirmation by the Special Officer.

Perused the order dated 10.3.2011 and

5.5.2011 in I.A.No.112/2010, I.A.No.36/2005,

UR-16 and UR-20. The Special Officer has

suggested the name of M/s. A. Sachdev & Co.,

Chartered Accountants, G.70, Shagun Arcade,

Film City Road, Malad East, Mumbai-400097, for

approval which could be deputed to verify the

accounts on the remuneration of ₹ 50,000/- +

₹ 10,000/- as conveyance charges.

The said firm

of Chartered Accounts are appointed

accordingly.

I.A.No.118/2011

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is referred to the

Enquiry Authority.

List I.A.114 filed by the company for  
consideration in the first week of August,  
2011.

(O.P. Sharma)  
Court Master

( M.S.Negi )  
Court Master