

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
 CIVIL APPEAL NO(s). 5168 OF 2000

SANCHAYANI SAVINGS INVESTMENT(I) LT.&ORS

Appellant (s)

VERSUS

STATE OF WEST BENGAL & ORS

Respondent(s)

(With office report)

WITH

- I.A.NO.18 (FOR DIRECTIONS FILED ON 07.04.2004)
- I.A.NO.19 (FOR DIRECTIONS FILED ON 21.04.2004)
- I.A.NO.23 (FOR DIRECTIONS FILED ON 29.09.2004)
- I.A.NO.24 (FOR INTERVENTION FILED ON 03.01.2005)
- I.A.NO.27 (FOR IMPLEADMENT FILED ON 01.03.2005)
- I.A.NO.30 (FOR INTERVENTION)
- I.A.NO.37 (FOR OFFICIAL TRANSLATION FILED ON 28.02.2006)
- I.A.NO.1 IN 36 (FOR CONDONATION OF DELAY IN FILING OBJECTION BY WAY OF AFFIDAVIT)
- I.A.NO.40 (FOR IMPLEADMENT FILED ON 09.05.2006)
- I.A.NO.43 (FOR IMPLEADMENT FILED ON 02.08.2006)
- I.A.NO.43A (FOR DIRECTIONS FILED ON 02.08.2006)
- I.A.NO.44 (FOR IMPLEADMENT FILED ON 02.08.2006)
- I.A.NO.44A (FOR DIRECTIONS FILED ON 02.08.2006)
- I.A.NO.45 (FOR IMPLEADMENT AS PARTY RESPONDENT FILED ON 02.08.2006)
- I.A.NO.47 (FOR IMPLEADMENT AS PARTY RESPONDENT FILED ON 28.08.2006)
- I.A.NO.47A (FOR DIRECTIONS FILED ON 28.08.2006)
- I.A.NO.49 (FOR IMPLEADMENT AS PARTY RESPONDENT FILED ON 28.08.2006)
- I.A.NO.49A (FOR DIRECTIONS FILED ON 28.08.2006)
- I.A.NO.55 (FOR INTERVENTION FILED ON 07.02.2007)
- I.A.NO.56 (FOR IMPLEADMENT FILED ON 18.05.2006)
- I.A.NO.57 (FOR DIRECTIONS FILED ON 12.03.2007)
- I.A.NO.59 (FOR DIRECTIONS FILED ON 03.05.2007)
- I.A.NO.65 (FOR MODIFICATION OF COURT'S ORDER DATED 29.01.2008 FILED ON 26.02.2008)
- I.A.NO.72 (FOR IMPLEADMENT FILED ON 25.07.2008)
- I.A.NO.73 (FOR DIRECTIONS FILED ON 15.07.2008)
- I.A.NO.74 (FOR STAY FILED ON 15.07.2008)
- I.A.NO.75 (FOR DIRECTIONS FILED ON 09.07.2008)
- I.A.NO.76 (FOR IMPLEADMENT AS PARTY RESPONDENT FILED ON 09.07.2008)
- I.A.NO.77 (FOR IMPLEADMENT AS PARTY RESPONDENT FILED ON 18.07.2008)

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- I.A.NO.78 (FOR DIRECTIONS FILED ON 18.07.2008)
- I.A.NO.81 (FOR IMPLEADMENT AS PARTY RESPONDENT FILED ON 18.05.2005)
- I.A.NO.82 (FOR PERMISSION TO LODGE CLAIM BEFORE SPECIAL OFFICER FILED ON 18.05.2005)
- I.A.NO.83-84 (FOR DIRECTIONS AND IMPLEADMENT AS PARTY RESPONDENT FILED ON 29.08.2008)
- I.A.NO.85-86 (FOR DIRECTIONS AND IMPLEADMENT AS PARTY RESPONDENT FILED ON 29.08.2008)
- I.A.NO.87-88 (FOR DIRECTIONS AND IMPLEADMENT AS PARTY RESPONDENT FILED ON 29.08.2008)
- I.A.NO.88-90 (FOR DIRECTIONS AND IMPLEADMENT AS PARTY RESPONDENT

FILED ON 29.08.2008)
I.A.NO.91-92 (FOR DIRECTIONS AND IMPEADMENT AS PARTY RESPONDENT
FILED ON 29.08.2008)
I.A.NO.93 IN 79 (FOR ADDITIONAL AFFIDAVIT OF THE APPLICANT TO
RECTIFY/CLARIFY THE REJOINDER DATED 18.08.2008 & PERMISSION TO
FILE ADDL.DOCUMENTS)
I.A.NO.94 (FOR IMPEADMENT AS PARTY RESPONDENT FILED ON
23.09.2008)
I.A.NO.95 (FOR DIRECTIONS FILED ON 23.09.2008)
I.A.NO.96 (FOR IMPEADMENT AS PARTY RESPONDENT FILED ON
23.10.2008)
I.A.NO.97 (FOR DIRECTIONS FILED ON 23.10.2008)
I.A.NO.98 (FOR IMPEADMENT AS PARTY RESPONDENT FILED ON
23.10.2008)
I.A.NO.99 (FOR DIRECTIONS FILED ON 23.10.2008)
I.A.NO.100 & 101 (FOR IMPEADMENT AND DIRECTIONS)
I.A.NO.106 (FOR DIRECTIONS)
I.A.NO.107 (FOR MODIFICATION FILED ON 17.09.2008)
I.A.NO.110 (FOR IMPEADMENT/DIRECTIONS)
I.A.NO.111 (FOR DIRECTIONS FILED ON 09.02.2010)
I.A.NO.112 (FOR DIRECTIONS FILED ON 24.02.2010)
I.A.NO.113 (FOR CLARIFICATION AND DIRECTIONS FILED ON 20.07.2010)
I.A.NO.114 (FOR DIRECTIONS)
I.A.NO.115 (FOR DIRECTIONS FILED ON 26.08.2010)
I.A.NO.116 (FOR DIRECTIONS FILED ON 07.09.2010)
I.A.NO.117 (FOR DIRECTIONS FILED ON 17.09.2010)
I.A.NO....(FOR IMPEADMENT FILED ON 09.03.2004)
I.A.NO....(FOR INTERVENTION FILED ON 02.04.2004)
I.A.NO....(FOR INTERVENTION/IMPEADMENT FILED ON 25.07.2005)
I.A.NO....(FOR INTERVENTION FILED ON 06.03.2006)
I.A.NO....(FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION FILED
ON 06.03.2006)
I.A.NO....(FOR PRODUCTION OF ADDITIONAL DOCUMENTS FILED ON
09.05.2006)
I.A.NO....(FOR IMPEADMENT FILED ON 01.08.2006)
I.A.NO....(FOR DIRECTIONS FILED ON 01.08.2006)
I.A.NO....(FOR DIRECTIONS FILED ON 30.08.2006)
I.A.NO....(FOR INTERVENTION FILED ON 07.12.2006)
I.A.NO....(FOR MODIFICATION FILED ON 17.01.2007)
I.A.NO....(FOR IMPEADMENT FILED ON 13.02.2007)
I.A.NO....(FOR IMPEADMENT AS PARTY RESPONDENT FILED ON

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19.02.2007)
I.A.NO....(FOR PERMISSION TO FILED ADDITIONAL DOCUMENTS FILED ON
03.05.2008)
I.A.NO....(FOR OBJECTIONS OF APPELLANT TO ACCEPT THE STATUS
REPORT)
I.A.NO....(FOR QUASHING STAY AND PRAYING FOR STAY OF ARREST FILED
ON 20.08.2009)
I.A.NO....(FOR INTERVENTION FILED ON 20.12.2008)
I.A.NO....(FOR IMPEADMENT FILED ON 20.05.2009)
I.A.NO....(FOR CLARIFICATION AND DIRECTIONS FILED ON 15.03.2010)
WITH
CONMT.PET.(C)No.389/2004 In C.A.No.5168/2000
(WITH APPLN.(S) FOR PERMISSION TO SUBMIT ADDITIONAL DOCUMENT(S)
AND OFFICE REPORT)
T.C.(C)No.55-57/2003 (WITH OFFICE REPORT)
T.C.(C)No.37/2004 (WITH OFFICE REPORT)
T.C.(C)No.38/2004

Date: 20/10/2010 This Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
 HON'BLE MR. JUSTICE H.L. GOKHALE

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

For Respondent(s) Mr. Deba Prasad Mukherjee, Adv.

 Mr. Rana Mukherjee, Adv.
 Mr. Anjan Chakraborty, Adv.
 Mr. Goodwill Indeevar, Adv.

 Mr. D. Mahesh Babu ,Adv

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

 Mr. G.K. Bansal, Adv.

 Mr. S.N. Bhat, Adv.

 Mr. Abhishth Kumar, Adv.

 Mr. Ajit Kumar Pande ,Adv

 Mr. Prashant Kumar, Adv.

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Mr. Mukesh K. Giri, Adv.

Mr. Varinder Kumar Sharma ,Adv

Mr. Ashiesh Kumar ,Adv

Mr. Rajesh Srivastava, Adv.

Mr. K.K. Sharma, Sr. Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. S.N. Terdal, Adv.
Mr. D.S. Mahra, Adv.

Mr. Arun K. Sinha, Adv.

Mr. C.L. Sahu, Adv.

Mr. P.V. Dinesh ,Adv

Ms. Nanita Sharma, Adv.

Mr. Sunil Kumar Verma, Adv.

Mr. D.N. Goburdhan, Adv.

Mr. Manish Pitale, Adv.
Mr. Wasi Haider, Adv.
Mr. Rakesh K. Sharma, Adv.

Mr. Nikilesh Ramachandran, Adv.

Mr. Dip Narayan Mittra, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Sanjay Jain, Adv.

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

Mr. Balaji Srinivasan, Adv.

Ms. A. Sumathi, Adv.

Mr. Ravindra Keshavrao Adsure ,Adv

Mr. Shekhar Prit Jha ,Adv

Ms. Chandan Ramamurthi, Adv.

Ms. Asha Gopalan Nair, Adv.

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Mr. Nishant Ramakantrao Katneshwarkar, Adv.

Ms. Indra Sawhney, Adv.

Mr. L.N. Rao, Sr. Adv.

Mr. C.K. Sasi, Adv.

Mr. Hari Kumar, Adv.

Mr. Virender Kumar, Adv.

Mr. Arun Kumar, Adv.

Mr. Manu Nair, Adv.

for M/S Suresh A. Shroff & Co., Adv.

Ms. Suruchhi Aggarwal, Adv.

Mr. Manish Pitale, Adv.

Mr. Wasi Haider, Adv.

Mr. Gaurav Agrawal, Adv.

Mr. Ajay Choudhary ,Adv

Mr. Sanjay Bansal, Adv.

Mr. Deepak Kansal, Adv.

Mr. M. Ram Babu, Adv.

Mr. Makarand D. Adkar, Adv.

Mr. Vishwajit Singh ,Adv

Mr. Shivaji M. Jadhav, Adv.

Mr. Pavan Kumar, Adv.

Mr. Rauf Rahim, Adv.

Mr. Shyam Divan, Sr. Adv.

Ms. Vibha Datta Makhija ,Adv

Ms. Abha R. Sharma, Adv.

Dr. S.K. Verma, Adv.

Mr. Satyajit A. Desai, Adv.

Mr. Prashant Dahat, Adv.

Ms. Anagha S.Desai ,Adv

Mr. Anip Sachthey, Adv.

Mr. Mohit Paul, Adv.

Ms. Shagun Matia, Adv.

Mr. N.R. Rao, Adv.

Mr. Ramesh Babu M.R., Adv.

Ms. Manisha Singh Nair, Adv.
Ms. Swati Setia, Adv.

Mr. B.S. Banthia, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

Ms. Jyoti Mendiratta, Adv.

Mr. G.S. Chatterjee, Adv.

Mr. A.S. Kulkarni, Adv.

Ms. Rukhsana Choudhary, Adv.

Ms. Sushma Suri, Adv.

Mr. S.K. Agarwal, Adv.
Ms. Vandana Mishra, Adv.
Ms. Aanchal Arora, Adv.

Ms. Susmita Lal, Adv.
Ms. Malvika Sarkar, Adv.

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

As per signed interim order, IA No.110 is dismissed as premature and permission to file Civil Suit granted to Manoj B. Shah in I.A. Nos.77-78 and 106.

Hon'ble Mr. Justice P.K. Balasubramanyan, a retired Judge of this court is appointed as the Enquiry Authority to hear and examine the pending applications.

Registry is directed to send a copy of the Interim Order to Hon'ble Mr. Justice P.K. Balasubramanyan.

The appeal with all pending applications be listed before the Court on 11.11.2010 for issue of

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further directions for the parties to appear before the Enquiry Authority on fixed dates so as to avoid service of notices before the Enquiry Authority.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master

[Signed interim order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5168 OF 2000

Sanchayani Savings Investment
(I) Ltd. & Ors.

... Appellants

Vs.

State of West Bengal & Ors.

... Respondents

INTERIM - ORDER

Re : IA Nos.77-78 and 106 :

These applications are filed by Manoj B. Shah in regard to Plot No.56, Chatrapati Nagar, Central Excise Layout, Nagpur. The applicant claims that the plot originally belonged to Ramkant Pohankar who sold it to Mrs. and Mr. Dadra Dhantoli in the year 2001 from whom applicant claims to have purchased the property on 18.5.2006.

2. The Appellants (SSIL) claim that under a development-cum-sale agreement dated 2.11.1994, Ramkant Pohankar transferred the said plot to S.U. Patil, Development Manager and nominee of SSIL who was acting on behalf of SSIL and Rs.16.5 lakhs out of the agreed consideration of Rs.16.83 lakhs had been paid to him in 1995 and SSIL is entitled to the said property. The
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appellants claim that an alleged deed of cancellation by S.U. Patil dated 26.5.1999 put forth by Ramkant Pohankar was forged. In view of the disputed questions of fact involving allegations of forgery and fabrication of documents, this is a fit case to grant permission to the applicant to approach the jurisdictional Civil Court for seeking appropriate relief. The applicant is permitted to file the suit within three months and the Civil Court shall endeavour to dispose of the suit within one year from the date of the suit. The applicant confirmed that he will implead

among others, the first appellant (SSIL), S.U. Patil, the Special Officer appointed by this Court and Ramakant Pohankar as parties to such suit. The interim order dated 4.9.2009 granted in this appeal, shall continue to operate during the pendency of such suit.

IA No. 110 :

3. The applicant Raza Traders has filed this application offering to purchase lands bearing Nos. 159/1 and 160/1, Maharajpur, Jabalpur and seeks acceptance of his offer. There is a dispute in regard to the title in regard to those properties which is being referred to the Enquiry Authority for report. IA No.110 in the circumstances, is premature and dismissed.

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Other applications

4. There are several contested interlocutory applications which involve examination of either disputed questions of title or disputed claims, which may require trial. As some of these applications are pending from 2004, the Special Officer in consultation with the Reserve Bank of India suggested that a retired Supreme Court Judge be appointed as the Enquiry Authority to deal with and submit reports in regard to these claims/applications. The learned counsel for the depositors' association, the appellant company and the applicants submitted that they have no objection for appointment of such an Enquiry Authority. Accordingly we appoint Justice P.K. Balasubramanyan, a retired Judge of this court as the Enquiry Authority to hear and examine these applications, if necessary by receiving evidence with power to summon witnesses and call for documents, and submit reports. All pending

applications are referred to the Enquiry Authority for enquiry and report. The Registry and the Special Officer shall prepare a list of the applications and make available one set of papers to the Enquiry Authority.

5. The Special Officer and the applicants submitted that following applications relate to

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disputed claims relating to immovable properties which may require detailed consideration :

IA Nos.	Name of applicant	Property
(i) 24	Shaji Rajan	Flat No.102, Bldg. No.4, Daffodil, Kalyan, Thane, Maharashtra
(ii) 44, 44A and 45	Shriram Builcons Pvt. Ltd.	Two floors in Hotel Orange, City Building, Sidhivinayak, Nagpur and flats and shops situated in Sidhivinayak Apartments, Nagpur. Flat Nos.102, 402 and 302 in Sidhi Vinayak Apartments, Nagpur.
(iii) 47, and 11/2000	47A Indraprastha Grehnirman Sahakari Sanstha Ltd.	Plot Nos.15, 18, 19, Civil Station Expansion Scheme, Nagpur Improvement Trust, Nagpur.
(iv) 49, 49A	Ajay Kumar Patni	Plot Nos.9 and 10, Khamla Square, Nagpur.
(v) 72, 73 and 74	Ghulam Ghouse Razak Sheik	Flat No.13, Madhu Manjari Apartments, Law College Road, Pune
(vi) 75-76, 83-92-94-95	Occupants of Sanchayini Prestige Complex, Nagpur	Flats in Sanchayini Prestige Complex, Nagpur.
(vii) 96-97, 98-99 and 18	Manoj Userte, Ranjit Singh Thakur, Abdul Ajij Khan, Nanhelal Rajak, Nazir Ahmed	159/1 and 160/1, Maharajpur, Jabalpur
(viii) 100-101	Ramesh D. Admane	Office Chamber 9A, Sanchayini Nagar, Khamla Square, Nagpur.

6. The company and the Special Officer shall make appropriate provision for infrastructure, staff and transport as per the directions of the Enquiry Authority.

7. The Enquiry Authority shall endeavour to follow the general process of 'Med-Arb'. That is, the Enquiry Authority shall function as a Mediator in an independent and impartial manner, to assist the parties in their attempt to sort out the differences and reach an amicable settlement; and if the parties fail to reach an amicable settlement, then the Enquiry Authority shall proceed to hear the parties and, if necessary, record evidence, decide the dispute and submit reports on the dispute to this Court for consideration and appropriate orders/directions. He shall endeavour to dispose of the matters expeditiously, preferably within four months from commencing the enquiry.

8. To avoid delay in serving notices, we direct the appeal with all pending applications be listed before the Court on 11.11.2010 for issue of further directions for the parties to appear before the Enquiry Authority on fixed dates so as to avoid service of notices before the Enquiry Authority. By then the venue for sittings/hearing shall be identified and papers made available to the Enquiry Authority. The Authority's remuneration will be fixed in due course.

J.
(R. V. RAVEENDRAN)

New Delhi;
October 20, 2010.

J.
(H. L. GOKHALE)