

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 appln(s) for clarification/modification of court's order,directions,exemption from filing O.T., directions, intervention,impleading party,bail,stay,modification of Court's Order, permission to submit additional document(s),clarification/modification of court's order,impleadment,impleadment as party respondent and office report)

WITH
I.A.NO.15 (FOR DIRECTION FILED ON 29.01.2004)
I.A.NO.16 (FOR DIRECTIONS/CLARIFICATION OF ORDER DATED 06.02.2004 FILED ON 10.03.2004)
I.A.NO.17 (FOR IMPLEADMENT FILED ON 22.03.2004)
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.... (FOR IMPLEADMENT FILED ON 09.03.2004)
I.A.NO.... (FOR INTERVENTION FILED ON 05.04.2004)
I.A.NO.20 (FOR PERMISSION TO FILE AFFIDAVIT)
I.A.NO.22 (FOR CLARIFICATION OF COURT'S ORDER DATED 28.04.2003, 27.07.2003 & 06.02.2004)
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.29 (FOR IMPLEADMENT FILED ON 01.04.2005)
I.A.NO.30 (FOR INTERVENTION)
I.A.NO.35 (FOR DIRECTIONS FILED ON 30.04.2005)
I.A.NO.... (FOR INTERVENTION/IMPLEADMENT FILED ON 25.07.2005)
I.A.NO.37 (FOR OFFICIAL TRANSLATION FILED ON 28.02.2006)
I.A.NO.38 (FOR DIRECTIONS FILED ON 28.02.2006)
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.39 (FOR INTERVENTION FILED ON 22.04.2006)
I.A.NO.1 IN 36 (FOR CONDONATION OF DELAY IN FILING OBJECTION BY WAY OF AFFIDAVIT)
I.A.NO.... (FOR PRODUCTION OF ADDITIONAL DOCUMENTS FILED ON 09.05.2006)
I.A.NO.40 (FOR IMPLEADMENT FILED ON 09.05.2006)
I.A.NO.41 (FOR DIRECTIONS FILED ON 21.07.2006)
I.A.NO.42 (FOR IMPLEADMENT FILED ON 21.07.2006)
I.A.NO.... (FOR IMPLEADMENT FILED ON 01.08.2006)

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I.A.NO.... (FOR DIRECTIONS FILED ON 01.08.2006)
I.A.NO.... (FOR INTERVENTION FILED ON 12.04.2006)
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.50 (FOR DIRECTIONS FILED ON 13.07.2006)
I.A.NO....(FOR DIRECTIONS FILED ON 13.08.2006)
I.A.NO.51 (FOR IMPLEADMENT FILED ON 22.09.2006)
I.A.NO.51A (FOR DIRECTIONS FILED ON 22.09.2006)
I.A.NO....(FOR INTERVENTION FILED ON 07.12.2006)
I.A.NO....(FOR MODIFICATION FILED ON 17.01.2007)
I.A.NO....(FOR IMPLEADMENT FILED ON 13.02.2007)
I.A.NO.55 (FOR INTERVENTION FILED ON 06.02.2007)
I.A.NO.56 (FOR IMPLEADMENT FILED ON 18.05.2006)
I.A.NO....(FOR IMPLEADMENT AS PARTY RESPONDENT FILED ON 19.02.2007)
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.66 (FOR DIRECTIONS)
I.A.NO....(FOR DIRECTIONS FILED ON 20.04.2008 & 01.05.2008)
I.A.NO....(FOR PERMISSION TO FILED ADDITIONAL DOCUMENTS FILED ON 03.05.2008)
I.A.NO.69 (FOR DIRECTIONS FILED ON 25.04.2008)
I.A.NO.70 (FOR DIRECTIONS FILED ON 09.07.2008)
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)
I.A.NO.78 (FOR DIRECTIONS FILED ON 18.07.2008)
I.A.NO.79 (FOR DIRECTIONS FILED ON 04.08.2008)
I.A.NO....(FOR OBJECTIONS OF APPELLANT TO ACCEPT THE STATUS REPORT)
I.A.NO.80 (FOR INTERVENTION FILED ON 18.08.2008)
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)

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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....(FOR QUASHING STAY AND PRAYING FOR STAY OF ARREST FILED ON 20.08.2009)
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 IMPLEADMENT 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 IMPLEADMENT AS PARTY RESPONDENT FILED ON 23.09.2008)
I.A.NO.95 (FOR DIRECTIONS FILED ON 23.09.2008)
I.A.NO.96 (FOR IMPLEADMENT AS PARTY RESPONDENT FILED ON 23.10.2008)
I.A.NO.97 (FOR DIRECTIONS FILED ON 23.10.2008)
I.A.NO.98 (FOR IMPLEADMENT 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 IMPLEADMENT AND DIRECTIONS)
I.A.NO....(FOR INTERVENTION FILED ON 20.12.2008)

I.A.NO....(FOR IMPLEADMENT FILED ON 20.05.2009)
I.A.NO.106 (FOR DIRECTIONS)
I.A.NO.107 (FOR MODIFICATION FILED ON 17.09.2008)
I.A.NO.108 (FOR APPROPRIATE ORDER/DIRECTIONS FILED ON 10.11.2009)
I.A.NO.110 (FOR IMPLEADMENT/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....(FOR CLARIFICATION AND DIRECTIONS FILED ON 15.03.2010)
I.A.NO.113 (FOR CLARIFICATION AND DIRECTIONS FILED ON 20.07.2010)
I.A.NO.114 (FOR DIRECTIONS)

WITH
CONMT.PET.(C) NO. 389 of 2004 IN C.A. 5168 OF 2000
(With office report)

T.C.(C) NO. 55-57 of 2003
(With office report)
WITH T.C.(C) NO. 37 of 2004
(With office report)
T.C.(C) NO. 38 of 2004
(With office report)

Date: 09/09/2010 This Appeal was called on for hearing today.

CORAM :

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

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Mr. Ugra Shankar Prasad,Adv.

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Ms. Anagha S.Desai,Adv.

Mr. Sunil Kr.Verma,Adv.

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Mr. Minnatullah, Adv.

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Mr. B.S. Banthia, Adv.

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Mr. Manish Pitale, Adv.
Mr. Gaurav Agrawal, Adv.

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Mr. Shivaji M. Jadhav, Adv.

Mr. Mukesh K. Giri, Adv.

Mr. Prashant Kumar, Adv.
Ms. Asha Gopalan Nair, Adv.
Mr. D. Mahesh Babu, Adv.

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.

Ms.Jyoti Mendiratta ,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.15, 69, 70-71

SSIL has filed I.A. No.15 for handing over the keys of the rented flat No. CE 32, Salt Lake, Kolkata. Other prayers in I.A. No.15 have now become infructuous.

The landlord of the said flat has filed I.A. Nos.70-71 for possession of the rented flat. It is stated that the said flat was taken on rent by late Mr. B.C. Sen, father of Mr. Sudipto Sen, the Managing Director of SSIL and that premises was taken on a lease for 19 years and consolidated rent of Rs.11,40,000/- has been paid. It is also stated that the landlord has agreed to refund Rs.5,40,000/- on premature surrender of the premises. On 29.1.2008, this Court had already directed redelivery of the premises.

In the meanwhile, the premises was sealed by the Crime Branch, Mumbai. But now the Crime Branch has no objection for desealing the premises.

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Mr. Anoop Choudhary, learned senior counsel appearing for the Appellant and Managing Director submitted that as there is

already an order dated 29.1.2008 for redelivery, he has no further submissions to make.

In view of the above, the Special Officer may deliver back the premises to the landlord subject to payment of Rs.5,40,000/-. If the depositor, at whose instance the premises was sealed by the Crime Branch, has any claim, it is open to him to pursue their remedy by making claims with the Special Officer.

The Crime Branch, Mumbai is directed to desal the premises to enable the Special Officer to deliver possession to the landlord, who is the applicant in I.A. Nos.70-71.

The movables found in the flat or the personal belongings of Mr. B.C. Sen may be released to Mr. Sudipto Sen, who claims to be the legal heir of B.C. Sen. The Special Officer shall fix a date and time for the delivery of possession so that the representatives of the Crime Branch, the landlord and Mr. Sudipto Sen could be present and Mr. Sudipto Sen can take back movables. If he does not take back immovables, the landlord may make any inventory and dispose them of in consultation with the Special Officer.

I.A. Nos.15,69,70-71 are disposed of.

I.A.NOs.16, 17, 20, 22, 29, 35, 38, 39, 41, 42,

50, 51, 51A, 66, 79, 80 & 108

These IAs are dismissed as having become infructuous.

General directions

The applicants in some of the applications submitted that their claim relate to immovable properties. It is stated that the Appellant company is making a claim in regard to certain properties without any registered documents in its favour whereas they (the applicants) claim the properties under valid registered documents.

These applications relating to claims over immovable properties are virtually in the nature of suits for declaration of title, suits for specific performance, suit for cancellation

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of documents etc.

The Special Officer is therefore directed to make a list of such applications relating to disputes in regard to title to immovable properties with his comments thereon, so that this Court can consider whether those applications should be decided by a nominated authority with power to take evidence or whether permission should be granted to the applicants therein to file suits before the appropriate civil court with necessary safeguards.

The Special Officer, the Appellant Company, the Reserve Bank of India and the Depositors Association to give suggestions for any summary enquiry and disposal of the other

applications in an expeditious manner so that
the recovery and the realization of the amounts
due to the Appellant Company and the disbursal
to the depositors could be expedited.

List the pending IAs on 30.9.2010.

(O.P. Sharma)
Court Master

(Ravi P.Verma)
Court Master

(M.S. Negi)
Court Master