

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).2707-2708/2003

Everest Wools Pvt. Ltd. & Ors.

Appellant (s)

VERSUS

U.P.Financial Corpn. & Ors.

Respondent(s)

(With appln(s) for c/delay in filing High Court documents and with office report)

Date: 25/04/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For petitioner(s): Mr.Chandra Shekhar, Adv.

Mr.Ashutosh Kumar, Adv.

Mr.Sanjay K.Tyagi, Adv.

For respondent(s):

Mr.Shrish Kumar Misra, Adv.

Mr. Aarohi Bhalla, Adv.

Mr.Sunil Kumar Singh, Adv.

Ms. Sujata Kurdukar, Adv.

UPON hearing counsel the Court made the following

O R D E R

The properties belonging to M/s Everest Wools Pvt. Ltd. situated at Mohebbewala Industrial Area in the town of Dehradun were the subject matter of a proceeding under Section 29 of the State Financial Corporation Act, 1951 on 30.11.1992, pursuant where to possession of the factory premises had been taken over by Repondent-Corporation.

An inventory of the plants and machinery had been prepared at that time.

By an order dated 31.3.2003 this Court on an oral prayer made by the learned counsel for the appellants while noticing that the respondents have been proceeding to hold an auction sale of the plant and machinery directed them to permit the appellants to make an inspection as also to take photographs thereof with a view to finding out and bringing out suitable buyers who may offer higher price.

...2/-

It is now alleged that pursuant to the said order an inspection was caused to be made by an authorised representative of the Company and plants and machinery were found missing. Respondent No.1, however, contend that only goods worth Rs. 46 lakhs were found missing.

Keeping in view the interest of parties, we are of the opinion that a fresh inventory should be made by a Judicial Officer who may be nominated for that purpose by the learned District Judge, Dehradun and the parties hereto shall produce all the relevant records before the Officer so nominated by the learned Dist

RICT Judge. A

report in regard to plants and machinery and other goods which are now available on site as also conditions thereof be prepared and send to this Court.

Put up after four weeks.

A copy of this order be sent to the learned District Judge, Dehradun for appropriate action.

(Meenu Sethi)

Court Master

(Pushap Lata Bhardwaj)

Court Master