

SECTION-IX
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5344 OF 2008

WITH
CIVIL APPEAL NO. 292 OF 2011

WITH
CIVIL APPEAL NO. 2946 OF 2012

WITH
PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 6503,10353,12406,23398
OF 2009 AND 25800 OF 2010

AND
INTERLOCUTORY APPLICATION NO. 1
(Application for condonation of delay in filing SLP in SLP No. 6503 of 2009)

WITH
INTERLOCUTORY APPLICATION NO. 5
(Application for de-tagging filed by Mr. Pahlad Singh Sharma in SLP No. 12406 of 2009)

KAMALBAI VISHWANATH JADHAV ETC. ETC. ...APPELLANTS

-VERSUS-

STATE OF MAHARASHTRA & ORS. ETC.RESPONDENTS

OFFICE REPORT

The matters above mentioned are covered with the Judgment of Civil Appeal No. 2152 of 2008 entitled Poona Timber Merchants and Saw Mill Owners Association Versus State of Maharashtra and others which has been dismissed vide Order dated Or August, 2013 (copy of the order is already included in the paper books).

The service position of each matter is given hereunder.

Civil Appeal No. 5344 of 2008

The matter above mentioned was listed before the Hon'ble Court on 25th August, 2008 when the Court was pleased to pass the following Order:

**"Delay condoned.
Leave granted.
Tag with C.A. No. 3703/2003.
Status Quo in regard to possession."**

It is submitted for the information of the Hon'ble Court that there are four respondents in this matter. Respondent Nos. 1 to 3 are represented through Mr. Nishant R.

Katneshwarkar, Advocate. Respondent No. 4 is represented through Mr. Ajit S. Bhasme, Advocate.

Service is complete.

Counsel for both the parties have not filed statement of case so far.

...2/-

Civil Appeal No. 292 of 2011

It is submitted that there are eight respondents in this appeal. Respondent Nos. 2 to 8 are represented through Mr. Nishant R. Katneshwarkar, Advocate. Respondent No. 1 has been served at SLP stage but no one has entered appearance on his behalf so far.

Service is complete.

Counsel for both the parties have filed statement of case.

Civil Appeal No. 2946 of 2012

It is submitted that there are five respondents in this appeal. Respondent No. 1 is represented through Mr. Nishant R. Katneshwarkar, Advocate. Respondent Nos. 4 and 5 are represented through Ms. Suchitra A. Chitale, Advocate. Respondent Nos. 2 and 3 have been served at SLP stage but no one has entered appearance on their behalf so far.

Service is complete.

Counsel for respondent Nos. 4 and 5 have filed statement of case but counsel for appellant and counsel for respondent no. 1 have not filed statement of case so far.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 6503 OF 2009

The matter above mentioned was mentioned before the Hon'ble Court on 26.02.2009 when the Court was pleased to pass the following Order:

**"Taken on board.
Issue notice.
Status quo, as obtaining today, shall be maintained until further orders.
The matter shall be listed for disposal after the judgment in Civil Appeal No. 3703 of 2003 is delivered."**

Thereafter, the matter above mentioned alongwith other connected matters was listed before the Hon'ble Court on 4th ,November, 2011 when the Court was pleased to pass the following Order:

**"Heard counsel for the parties.
Ms. Madhvi Diwan, learned counsel appearing on behalf of the State submits that in the instant case interpretation of Section 127 of Maharashtra Regional and Town Planning Act, 1966 is involved."**

She also produced before us a record of proceeding dated 8.12.2010 in the case of *Asgarall E. Lakdawala & Ors. vs. Bhakti vedanta Book Trust & ors.* Of the Constitution Bench opening that this question should be decided by a three Judge Bench.

...3/-

- 3 -

In that view of the matter, we need not go into the controversy on the aforesaid question, the matter may be placed, subject to the order of the Hon'ble the Chief Justice, before a three Judge Bench."

It is submitted for the information of the Hon'ble Court that there are three respondents in this matter. Respondent Nos. 1 and 2 are represented through Ms. Abha R. Sharma, Advocate but she has not filed counter affidavit so far. Respondent No. 3 has been served as per affidavit of service and proof but no one has entered appearance on behalf of said respondent so far.

Service of notice is complete.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 10353 OF 2009

The matter above mentioned was listed before the Hon'ble Court on 17th April, 2009 when the Court was pleased to pass the following Order:

"Delay condoned.
In the light of the order of this Court in I.A.
No. 2 in C. A. No. 2156 of 2008 passed on 1st
October, 2008, issue notice.
Mr. Arvind S. Avhad, Advocate, accepts notice."

Thereafter, the matter was listed before the Hon'ble Court on 6th September, 2011 when the Court was pleased to pass the following Order:

"Counsel appearing for the parties have stated before us that this Special Leave Petition be tagged with Civil Appeal No. 2152 of 2008 titled Pune Timber Merchant Saw Mills Owners' Association v/s. State of Maharashtra and Others as according to them the issue with regard to applicability of Section 127 of the Monopolies and

Restrictive Trade Practices Act would also be an issue to be considered in this case as in the aforesaid cause.

Ordered accordingly. "

It is further submitted that there are two respondents in this matter. Respondent No. 1 is represented by Mrs. Chandan Ramarnurthi, Advocate and she has filed counter affidavit on behalf of the said respondent which has already been included in the paper books. Respondent No. 2 is represented through Mr. C. G. Solshe, Advocate but no counter affidavit has been filed so far Counsel for the petitioner has filed rejoinder affidavit and the same has been included in the paper books.

Service of notice is complete.

...4/-

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 12406 OF 2009

The matter above mentioned was listed before the Hon'ble Court on 18th May, 2009 when the Court was pleased to pass the following Order:

"Issue notice.

Tag with the matter which has been referred to the Constitution Bench in Civil Appeal No. 3703/2003 and Civil Appeal No. 3922 of 2007. Status quo in the meantime."

Thereafter, the matter was listed before the Hon'ble Court on 8th December, 2010 along with other connected matters, when the Court was pleased to pass the following Order:

"Having heard learned counsel on both sides, we are of the view that the matters need to be heard by a Bench of three judges of this Court. The Registry is directed to place these matters in the final hearing list after the Judgment is pronounced in the case of M/s. Girnar Traders V/s. State of Maharashtra and Ors. [Civil Appeal No. 3703 of 2003]."

It is lastly submitted that there are eleven respondents in this matter. Respondent No. 1 is represented by Mr. Pahlad Singh Sharma, Advocate. He has filed counter affidavit which has already been included in the paper books. Respondent Nos. 2 to 4 are represented through Ms. Abha R. Sharma, Advocate but she has not filed counter affidavit on their behalf so far. Respondent No. 5 is represented through Mr. Nishant R. Katneshwarkar, Advocate but he has not filed counter affidavit on his behalf so far. Respondent Nos. 6 to 11 have been served with notice but no one has entered appearance on their behalf so far.

It is further submitted that Mr. Pahlad Singh Sharma, Advocate for Respondent No. 1 has filed an application for de-tagging which is registered as Interlocutory Application No. 5 and is being circulated before the Hon'ble Court.

Service of notice is complete.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 23398 OF 2009

The matter above mentioned was listed before the Hon'ble Court on 31st August, 2009 when the Court was pleased to pass the following Order:

**"Delay condoned.
Issue notice.**

.5/-

Status quo as obtaining today shall be maintained till further orders. Tag with SLP(C) No. 5119/2009 and connected cases."

Thereafter, the matter above mentioned alongwith other connected matters was listed before the Hon'ble Court on 4th November, 2011 when the Court was pleased to pass the following Order:

"Heard counsel for the parties.

Ms. Madhvi Diwan, learned counsel appearing on behalf of the State submits that in the instant case interpretation of Section 127 of Maharashtra Regional and Town Planning Act, 1966 is involved.

She also produced before us a record of proceeding dated 8.12.2010 in the case of *Asgarali E. Lakdawala & Ors. vs. Bhakti vedanta Book Trust & ors.* Of the Constitution Bench opening that this question should be decided by a three Judge Bench.

In that view of the matter, we need not go into the controversy on the aforesaid question, the matter may be placed, subject to the order of the Hon'ble the Chief Justice, before a three Judge Bench."

It is submitted for the information of the Hon'ble Court that there are six spondents in this matter. Neither A.D. cards nor unserved covers have been received back from the said respondents so far.

Service of notice is not complete.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 25800 OF 2010

The matter above mentioned was listed before the Hon'ble Court on 1st September, 2010 when the Court was pleased to pass the following Order:

"Delay condoned.

Counsel for the petitioner submits that the view taken by the High Court is contrary to the decision of this Court in *Girnar Traders v. State of Maharashtra & ors. (2007) 7 SCC 555.*

Issue notice.

Any steps towards acquisition of the piece of land in question taken after this date shall be

subject to the final outcome of this petition."

Thereafter, the matter above mentioned was listed before the Hon'ble Court on 16th December, 2011 when the Court was pleased to pass the following Order :

" Put up along with Civil Appeal No. 2152/2008".

...6/-

It is submitted that there are four respondents in this matter. Respondent Nos. 1 and 2 to 4 are represented by M/s. Nishant R. Katneshwarkar and S.M. Jadhav, Advocates respectively. Mr. Nishant R. Katneshwarkar, Advocate has filed counter affidavit on behalf of respondent No. 1 and included in the paper books.

It is further submitted that counsel for the petitioner has filed rejoinder affidavit which is included in the paper books.

Service of notice is complete..

Lastly, the matters along with the applications were listed before the Hon'ble Court on 18.11.2014 when the Court was pleased to pass the following order:

**"List the matters before the Bench, wherein one of us, (Justice Uday Umesh Lalit), is not a member.
The Registry is directed to do the needful."**

The matters along with applications above mentioned are listed before the Hon'ble Court with this office report.

Dated this the 1st day of March, 2016.

ASSISTANT REGISTRAR

Copy to:

Mr. Nishant R. Katneshwarkar, Advocate
Mr. S.M. Jadhav, Advocate
Ms. Abha R. Sharma, Advocate
Mr. Pahlad Singh Sharma, Advocate
Mr. C.G. Solshe, Advocate
Mrs. Chandan Ramamurthi, Advocate
Ms. Suchitra A. Chitale, Advocate
Mr. Ajit S. Bhasme, Advocate

ASSISTANT REGISTRAR

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