

SECTION – IX

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3278-3279, 3181 AND 3185 OF 2009

WITH

INTERLOCUTORY APPLICATION NOS. 15-16 IN CIVIL APPEAL NOS. 3278-3279 OF 2009

(Application for directions on behalf of Respondent No. 7)

AND

INTERLOCUTORY APPLICATION NOS. 17-18 IN CIVIL APPEAL NOS. 3278-3279 OF 2009

(Application for permission to file affidavit on behalf of Respondent No. 7)

AND

INTERLOCUTORY APPLICATION NOS. 19-20 IN CIVIL APPEAL NOS. 3278-3279 OF 2009

(Application for permission to file additional documents on behalf of Respondent No. 7)

AND

INTERLOCUTORY APPLICATION NOS. 21-22 IN CIVIL APPEAL NOS. 3278-3279 OF 2009

(Application for exemption from filing official translation of documents in interlocutory application Nos. 19-20)

AND

INTERLOCUTORY APPLICATION NOS. 25-26 IN CIVIL APPEAL NOS. 3278-3279 OF 2009

(Application for modification)

AND

INTERLOCUTORY APPLICATION NO. 4 IN CIVIL APPEAL NO. 3181 OF 2009

(Application for direction filed on behalf of the appellant)

AND

INTERLOCUTORY APPLICATION NO. 5 IN CIVIL APPEAL NO. 3181 OF 2009

(Application for direction filed on behalf of the Respondent No. 6)

AND

INTERLOCUTORY APPLICATION NO. 7 IN CIVIL APPEAL NO. 3181 OF 2009

(Application for permission to file affidavit on behalf of the Respondent No. 6)

LIQUIDATOR BOARD, GODAVARI DUDHNA SAHAKARI
SAKHAR KARKHANA LTD. ETC. ETC.

....APPELLANTS

-VERSUS-

THE MAHARASHTRA STATE COOPERATIVE BANK
LIMITED & ORS. ETC.

...RESPONDENTS

Contd...2/

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OFFICE REPORT

The appeals above mentioned were listed before the Hon'ble Court on 6th August, 2014 when the Court was pleased to pass the following Order:

"List before a Bench of which one of us (Rohinton Fali Nariman, J.) is not a member after two weeks.

The Registry may obtain necessary instructions in this regard from Hon'ble the Chief Justice of India."

Thereafter, the matters above mentioned along with other connected matters were listed before the Hon'ble Court on 5th November, 2014 when the Court was pleased to pass the following Order:

"List before a Bench, after obtaining directions from Hon'ble the Chief Justice of India, of which one of us (Jagdish Singh Khehar, J.) is not a member."

CIVIL APPEAL NOS. 3278-3279 OF 2009

It is submitted for the information of the Hon'ble Court that there are 15 respondents in Civil Appeal No. 3278 of 2009 and 6 respondents in Civil Appeal No.3279 of 2009. Mr. R.P. Goyal, Advocate has entered appearance on behalf of Respondent No.1 in C.A. No.3278 of 2009 and Respondent No.6 in Civil Appeal No.3279 of 2009. Mr. A.P. Mayee, Advocate has entered appearance on behalf of Respondent no.2 common in both the appeals. Mr. Rajesh Mahale, advocate has entered appearance on behalf of Respondent no.7 in Civil Appeal No.3278 of 2009. Mr. K.H. Nobin Singh, Advocate and Dr. Sushil Balwada, advocates have entered appearance on behalf of Respondent nos. 9 and 10 in C.A. No.3278 of 2009 respectively. Service of Notice of Lodgment of Petition of Appeal is complete on Respondent Nos. 3 to 6, 8 and 11 to 15 in Civil Appeal No. 3278 of 2009 and on Respondent Nos. 1,3,4 and 5 in Civil Appeal No. 3279 of 2009 through High Court of Bombay, Aurangabad Bench.

Service of notice is complete.

Original record has been received.

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

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CIVIL APPEAL NO. 3181 OF 2009

It is submitted that I.A. No.6 (application for direction) filed by the counsel for appellant was listed before the Hon'ble Court on 7.5.2014 when the Court inter-alia passed the following Order:

"...In view of the above, we direct that the entire proceeds of the sale of sugar and the assets of the cooperative sugar factory deposited with the Liquidator in pursuance of the direction of the High Court, which is stated to be deposited with the State Bank of Hyderabad, Main Branch Parbhani in the account of the Liquidator Board through Collector, Parbhani and State Bank of Hyderabad at Aurangabad, High Court Branch in the name of Registrar, High Court of Bombay, Bench at Aurangabad, be deposited with the applicant - appellant Bank on the condition that the appellant Bank will furnish a Bank Guarantee to this Court of the amount equal to the deposit. The said deposit will be subject to the outcome of the present appeal.

I. A. No. 6 is disposed of."

It is further submitted that there are 15 respondents. Respondent No.1 is represented by Mr. A. P. Mayee, Respondent No.3 is represented by Mr. Naresh Kumar and Respondent No.6 is represented by Mr. Rajesh Mahale, Advocate. Respondent Nos. 4, 5 and 7 to 15 have been served with the notice at the SLP stage. Respondent no. 2 has been served with Notice of Lodgment of Petition of Appeal through High Court of Bombay, Aurangabad Bench.

It is further submitted that pursuant to the above said order Mr. R. P. Goyal, counsel for the appellant has filed Bank Guarantee for Rs. 54,49,22,439/- but the same was not as per Form no. 27 of Supreme Court Rules, 2013. The counsel was requested to file Bank Guarantee as per Form No. 27 of Supreme Court Rules, 2013 but counsel has not filed the requisite Bank Guarantee despite this Registry's letter dated 02.09.2014 followed by reminder dated 23.9.2014.

Service of notice is complete.

Original record has been received.

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

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CIVIL APPEAL NO. 3185 OF 2009

It is submitted for the information of the Hon'ble Court that there are 13 respondents. Respondent No.1 is represented by Mr. D.S. Mahra, Advocate. Respondent Nos. 3 and 6 are represented by Mr. A.P. Mayee and Rajesh Mahale, Advocates respectively. Notice of Lodgment of Petition of Appeal has been served through High Court of Bombay, Aurangabad Bench on Respondent Nos. 2,4,5, 7 to 13.

Service of notice is complete.

Original record has been received.

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

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

Dated this the 24th day of November, 2014.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Naresh Kumar, Advocate
2. Mr. Rajesh Mahale, Advocate
3. Mr. A. P. Mayee, Advcoate
4. Mr A. H. Nobin Singh, Advocate
5. Mr. R. P. Goyal, Advocate
6. Dr. Sushil Balwada, Advocate
7. Mr. S. K. Verma, Advocate

ASSISTANT REGISTRAR