

ITEM NO.103

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(S). 3445/2011

MAHARASHTRA STATE CO-OPERATIVE BANK LTD.

APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

RESPONDENT(S)

(IA NO.30132/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS AND IA
NO.32614/2018-EXEMPTION FROM FILING O.T.)

Date : 10-07-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s)

Mr. Vijay Hansaria, Sr. Adv.
Mr. M. Y. Deshmukh, AOR
Mr. Shakti Pandey, Adv.

For Respondent(s)

Mr. Nishant Ramakantrao Katneshwarkar, AOR
Ms. Deepa M. Kulkarni, Adv.

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

On 5th April, 2018, apart from directing payment of admitted dues of Rs.74 crores to the appellant - Maharashtra State Cooperative Bank Ltd. by the State of Maharashtra, we had, *inter alia*, passed the following order:

“Upon hearing the learned counsels for the parties and upon due consideration of the statements made in the affidavit dated 6th March, 2018, as referred to above, we are of the view that as the parties have agreed

to constitute a "Claims Committee" they ought to be permitted to do so. However, the Constitution of such Committee ought to be decided by this Court. Accordingly, we request the Reserve Bank of India to nominate a person of wide experience in the financial sector to act as a Member of the Committee. We also request the Hon'ble Acting Chief Justice of the Bombay High Court to nominate a retired Judge of the Bombay High Court, with his consent, to be a Member of the aforesaid Committee. The names of the concerned persons will be communicated to the State Government within a period of four weeks from the date of receipt of a copy of this order. Thereafter the State Government will issue the necessary notification constituting the Claims Committee. The Committee will submit its report within one month from the date of its constitution whereafter the same will be considered in a meeting of the representatives of the Government and the Bank as agreed to by and between the parties. The outcome of the aforesaid process will be intimated to this Court within a period of three months."

Following the said order Justice Abhay M. Thipsay, a retired Hon'ble Judge of the Bombay High Court was appointed/nominated by the Hon'ble Acting Chief Justice of the High Court on 3rd May, 2018 to act as a Member of the Claims Committee. We are told that the Reserve Bank of India had nominated one Shri U.S. Paliwal, retired

Executive Director, Reserve Bank of India, a person of wide experience in the financial sector, to act as a Member of the Claims Committee. This was on 23rd May, 2018.

The follow-up notification of the State Government has not been issued. Instead, a letter dated 9th July, 2018 has been placed before us which would go to show as Justice Abhay M. Thipsay, in the meantime, had joined a political party the State of Maharashtra has been advised to seek the opinion of the High Court with regard to the next course of action.

In view of the contents of the letter dated 9th July, 2018 of the Commissioner Sugar, Maharashtra State, Pune and to expedite the process of constitution of the 'Claims Committee' we are of the view that we should take upon ourselves the burden of constituting the Claims Committee. While the nominee of the Reserve Bank of India Shri U.S. Paliwal will continue, we hereby appoint Shri Justice S.J. Vazifdar, former Chief Justice of the Punjab & Haryana High Court as a Member of the Claims Committee.

As the aforesaid appointment has been made by us in exercise of our power under Article 142 of the Constitution of India we dispense with the requirement of any formal notification for such appointment by the Government of Maharashtra.

We direct the contesting parties to appear before the Claims Committee on 25th July, 2018 at 11.00 a.m. and the Committee to submit its report as expeditiously as possible, preferably within six weeks from the date of appearance of the parties before it. The said report will be considered by the representatives of the State Government and the Bank, as agreed to.

The aforesaid appointment of Shri Justice S.J. Vazifdar, former Chief Justice of the Punjab & Haryana High Court, naturally, would be subject to his consent and on such terms as the contesting parties may settle in consultation with Shri Justice S.J. Vazifdar.

List the matter on 11th September, 2018 along with the report of the Claims Committee along with the result of the consideration of the said report by the State Government and the representatives of the appellant - Bank.

[VINOD LAKHINA]
AR-cum-PS

[ASHA SONI]
BRANCH OFFICER