

SECTION IV B

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Listed on.29.4.2014
Court No.1
Item No.18

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 30231 OF 2012
WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO. 2

(Application for release of amount in favour of respondent no. 1)

AND

INTERLOCUTORY APPLICATION NO. 3

(Application for direction)

AND

INTERLOCUTORY APPLICATION NO. 4

(Application for permission to file additional documents)

Mukerian Papers Ltd. & Anr.

Petitioner(s)

Versus

Assets Reconstruction Co. (I) Ltd. & Ors. Respondent(s)

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 18.3.2013, when the Court was pleased to pass the following order :-

" The amount of Rs. 2 crores shall be invested by the Registry in a fixed deposit initially for a period of one year and renewable thereafter for the same period in terms of Office Circular No. F.7/Judl./2007 dated 24.4.2007.

Ms. Bindu Das, advocate accepts notice on behalf of respondent No. 2.

At the risk of the petitioners, service on respondent No. 4 is dispensed with.

List the matter for final disposal on a non-miscellaneous day on August 13, 2013."

The matter above mentioned was mentioned before the Hon'ble Court on 26.2.2014, when the Court was pleased to pass the following order :-

" List the matter on any Tuesday in the month of April, 2014, before the appropriate Bench."

It is submitted that Counsel for the Petitioner has on 19.3.2013 deposited the amount of Rs. 2 Crore. Accordingly the amount of Rs. 2

Crore has been invested in FDR for one year and maturity date is 22.3.2015.

It is further submitted that there are four respondents. Respondent Nos. 1 and 2 are represented through Mr. Robin Majumder, Advocate. Respondent Nos. 3 and 4 are represented through Mr. Gagan Gupta and Mr. Balraj Dewan, Advocates respectively. Counsel for respondent nos. 1, 3 and 4 have also filed Counter affidavits. (Copies of the same have been included in the SLP paper books).

It is further submitted that counsel for respondent nos. 1 and 2 has on 4.7.2013 filed application on behalf of respondent no. 1 for release of amount of Rs. 2 Crore in favour of respondent no. 1 which is registered as IA No. 2. (Copy of the same has been included in SLP paper books). Counsel for respondent no. 4 has on 31.7.2013 filed reply to the application of respondent no. 1. (Copy of the same has been included in SLP paper books).

It is further submitted that counsel for the petitioner has on 24.10.2013 filed Counter affidavit as objections to the said application filed by the respondent no. 1 for release of the amount and also filed affidavit in reply to the reply filed by respondent no. 4 to the interim application of the respondent no. 1 for release of the amount. Copies of the same have been included in SLP paper books.

It is further submitted that counsel for respondent nos. 1 and 2 has on 10.9.2013 filed application on behalf of respondent no. 1 for withdrawal of application for release of amount (IA No. 2). But the same is defective as he has not served the copy on Mr. Devvrat, counsel for petitioners and Mr. Rabin Majumder, Advocate for respondent no. 2. However (Copy of the same has been included in SLP paper books). Counsel for the petitioners has on 24.10.2013 filed reply on behalf of the petitioners to the withdrawal application filed by respondent no. 1. But the same is defective as it is unsigned. He was informed vide office report dated 1.2.2014. Hence not circulated before the Hon'ble Court).

It is further submitted that counsel for the petitioner has on 16.12.2013 filed three separate rejoinder affidavits to Counter affidavits filed by respondent nos. 1, 3 and 4 with the permission of Hon'ble Court but the same is defective as he has not served their copies on Mr. Balraj Dewan, Counsel for respondent no. 4. (Copies of the same have been included in SLP paper books.)

It is further submitted that M/s. Parekh & Co., Advocates has on 4.2.2014 filed Vakalatnama and memo of appearance on behalf of respondent no. 1 after taking No Objection from erstwhile Advocate Mr. Rabin Majumdar.

It is further submitted that counsel for the petitioner has on 6.2.2014 filed application for direction which is registered as IA No. 3. (Copy of the same has been included in the SLP paper books).

The matter above mentioned was listed before the Hon'ble Court on 24.3.2014, when the Court was pleased to pass the following order :-

" List the application along with the Special Leave Petition."

It is further submitted that counsel for the petitioner has on 24.4.2014 filed application for filing additional documents alongwith annexures which is registered as IA No. 4. (Copy of the same is being circulated before the Hon'ble Court).

Service of show cause notice is complete.

The matter alongwith applications above-mentioned are listed before the Hon'ble Court with this office report.

Dated this the 28th day of April, 2014.

ASSISTANT REGISTRAR

Copy to:Mr. Devvrat, Advocate
Mr. Gagan Gupta, Adv.
Mr. Rabin Majumder, Adv.
Mr. Balraj Dewan, Adv.

ASSISTANT REGISTRAR