

LISTED ON 21.10.2016
COURT NO. 3
ITEM NO. 8

SEC.IV-A

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 29815 OF 2014
WITH PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NO. 2

(Application for modification of orders dated 13.08.2015 & 14.03.2016, filed by Mr G.S. Makkar, Advocate)

AND

INTERLOCUTORY APPLICATION NO.

(Application for appointment of Court Commissioner on behalf of Registrar Co-operative societies, filed by Mr. C.D. Singh, Advocate)

AND

INTERLOCUTORY APPLICATION NO. 1

(Application for direction, filed by Ms. Abha R. Sharma, Advocate)

Ankur Trivedi

...Petitioners

-Versus-

State of Madhya Pradesh & Ors.

...Respondents

REVISED OFFICE REPORT FOR DIRECTION

It is submitted that the office report for direction dated 28.04.2016 in the matter above mentioned was listed before the Hon'ble Court on 06.05.2016, when the Court was pleased to pass the following order:

“Since Mr. Justice G.D. Saxena, former Judge of the Madhya Pradesh High Court, has declined to act as Court Commissioner, in his place, we appoint Mr. Jayant Chauhan, retired District Judge from Madhya Pradesh District judiciary as the Court Commissioner to manage the affairs of the District Co-operative Central Bank, Panna.

The Registry is directed to send a formal request letter to Mr. Jayant Chauhan for his consent to act as a Court Commissioner in place of Mr. Justice G.D. Saxena.

The report submitted by the Accountant General of Madhya Pradesh be furnished to the parties and to the Court Commissioner also.

The Office Report for Direction is ordered accordingly.”

Accordingly, a certified copy of the order dated 06.05.2016 alongwith a complete copy of SLP paper books and one set of the copy of the Audit Report was sent to Mr. Jayant Chauhan, Retired District Judge from Madhya Pradesh, District Judiciary as the Court Commissioner.

It is further submitted that a letter dated 31.05.2016 has been received by this Registry on 09.06.2016 from Mr. Jayant Chavhan, Retired District Judge from Madhya Pradesh, District Judiciary, while acknowledging receipt of copy of the order of this Hon'ble Court dated 06.05.2016, has, inter-alia, informed as under:

“...I, most humbly, beg to submit that I, Being already on re-employment, am functioning as Chairman, Divisional Vigilance Committee, Lokayukt Organization, M.P. Bhopal and Lokpal, MNREGA. Hence, I am, unable to act as the Court Commissioner to manage the affairs of District Co-operative Central Bank, Panna (M.P), as directed by the Hon'ble Court, in the order. The enclosed record is returned, herewith, as it is.”

It is again submitted that paper books of Special Leave Petition have been weeded out after due preservation and copy of the letter dated 31.05.2016 with enclosures already included in the paper books of office report for direction for perusal of the Hon'ble Court.

It is again submitted that Mr. C.D. Singh, Advocate for Respondent Nos. 1-3 has on 26.07.2016 filed an application for appointment of Court Commissioner on behalf of Registrar Co-operative societies with affidavit alongwith Annexures A-1 to A-4, without serving its copy on M/s. Jayant K. Mehta, Sarvam Ritam Khare and D.S. Mehra, Advocates for Respondent Nos. 8, 9, 13, 14 & 17 respectively. However, copies of the documents have been included in the paper books.

It is also submitted that the office report for direction dated 04.08.2016 in the matter above mentioned was listed before the Hon'ble Court on 08.08.2016, when the Court was pleased to pass the following order:

“At the joint request of the learned counsel for the rival parties, and in the interest of justice, post for hearing on 1.9.2016.”

It is further submitted that Ms. Abha R. Sharma, Advocate for the petitioner has on 29.08.2016 filed an application for direction with annexures A-1 to A-8 and the same has been regd. as I.A. No. 1 and placed with SLP paper books.

The office report for direction dated 31.08.2016 in the matter above mentioned was lastly listed before Hon'ble Court on 01.09.2016, when the Court was pleased to pass the following order:

“Learned counsel appearing for the State of Madhya Pradesh and other learned counsel appearing for the respondents, state that notice of the interlocutory application was served on them on 30.8.2016 and it is imperative for the respondents to file a response.

Learned counsel appearing for the respondents pray for and are granted two weeks' time to file reply to the interlocutory application. Post for hearing after three weeks."

It is submitted that Mr. G.S. Makker, Advocate, Advocate for Central Agency on behalf of Comptroller & Auditor General has on 13.05.2016 filed an application for modification of orders dated 13.08.2015 & 14.03.2016 with affidavit alongwith Annexures A to E but the same was defective. Now, Mr. G.S. Makker, Advocate has cured the pointed out defects and on 02.09.2016 filed proof of service of the application on the unserved counsel for the respondents. Accordingly, the application for modification of Court's order dated 13.08.2015 and 14.03.2016 is registered as I.A. No. 2

It is further submitted that Mr. Rahul Kaushik, Advocate for respondent no. 6 has on 27.09.2016 filed short reply to I.A. No. 2 (application for modification) filed by petitioner but copy of the same has not been served upon Mr. Jayant K Mehta, Advocate for respondent no. 8 and Mr. D. S. Mahra, Advocate for respondent nos. 9, 13, 14 and 17. As the matter is on board, copy of the same is being circulated with this office report.

It is lastly submitted that Ms. Abha R. Sharma, Advocate for the petitioner has on 19.10.2016 with leave of the Hon'ble Court filed rejoinder affidavit to the short reply filed by Respondent No. 6 to the application filed by petitioner but copy of the same has not been served upon Mr. Jayant K Mehta, Advocate for respondent no. 8. As the matter is on board, copy of the same is being circulated with this office report.

The office report for direction in disposed of matter above mentioned is listed before the Hon'ble Court.

Dated this the 20th day of October, 2016.

ASSISTANT REGISTRAR

Copy to:

Ms. Abha R. Sharma, Advocate , 101, C.K. Daphtary Block
Mr. Rahul Kaushik, Advocate, 51, Lawyers Chambers
Mr. Jayant K. Mehta, Advocate, 117, C.K. Daphtary Block
Mr. Sarvam Ritam Khan, Advocate, Supreme Court Bar Association
Mr. Mohit Kumar Shah, Advocate, 207, New Lawyers Chambers
Mr. C.D. Singh, Advocate, A-394, Defence Colony, New Delhi-24
Mr. D.S. Mahra, Advocate, C/o Central Agency
Mr. G.S. Makker, Advocate, SCBA

ASSISTANT REGISTRAR

