

**SECTION - XVI**

MATTER FOR: 08.07.2014

COURT NO. :

ITEM NO. :

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APEAL NO. 16879 OF 1996**

**WITH**

**INTERLOCUTORY APPLICATIO NOS. 18, 20, 21, 22, 23, 34, 35, 36, 37 & 38**

(Applications for Intervention filed by M/s Shiv Sagar tiwari, S.C. patel, R.P. Goel and aftab ali Khan Advocates)

**WITH**

**INTERLOCUTORY APPLICATIO NO.1**

(Application for Substitution of the Deceased Intervenor No. 37 in IA No.18)

**AND**

**INTERLOCUTORY APPLICATION NO.2**

(Application for condonation of delay in bringing on record Lrs. of deceased Intervenor No.37 in I.A. No.18)

**WITH**

**INTERLOCUTORY APPLICATION NOS. in IA no. 18**

(Applications for permission to file additional documents by intervenors)

**WITH**

**INTERLOCUTORY APPLICATION NO. 20**

(Application for impleadment as Party Respondent by Mr. Bijan Kumar Ghosh, Advocate)

**WITH**

**CIVIL APPEAL NO. 776 of 1997 (with I. A. for stay)**

**AND**

**CIVIL APPEAL NO. 1789 of 1997**

**AND**

**CIVIL APPEAL NOS. 1790, 2450, 2453 of 1997 (alongwith application for stay)**

**AND**

**CIVIL APPEAL NO. 334/97**

**WITH**

**INTERLOCUTORY APPLICATION NO. 4**

(Application for Intervention)

**AND**

**CIVIL APPEAL NO. 775/97(with application for stay)**

**AND**

**CIVIL APPEAL NO. 1719/98**

**AND**

**SLP NO. 2031/2001 (Application for condonation of delay in filing SLP)**

**AND**

**SLP NO. 6432/2001 (Prayer for Interim Relief)**

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AND

CIVIL APPEAL NO. 335/97

AND

CIVIL APPEAL NO. 510/97

WITH

INTERLOCUTORY APPLICATION NOS. 7 & 8

(Application for impleading party)

AND

CIVIL APPEAL NO. 509/97

AND

CIVIL APPEAL NO. 2089 of 2004

AND

SLP (CIVIL) 1416 OF 1997

WITH

INTERLOCUTORY APPLICATION NO. 2 in SLP No 1416 of 1997

(Application for Substitution to bring-on-record the Lrs. Of of Deceased Respondent No 2 )

AND

INTERLOCUTORY APPLICATION NO. 3, 17, 39 & 40 in SLP No 1416 of 1997

(Application for Directions )

AND

INTERLOCUTORY APPLICATION NOS. 8A, 10, 11-16, 20, 21,

22-25,28,29,31,32,33,34,42,46 in SLP No 1416 of 1997

(Application for permission to file supplementary affidavit)

AND

INTERLOCUTORY APPLICATION NO. 18 in SLP No 1416 of 1997

(Application for exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION NO. 35-37 in SLP No 1416 of 1997

(Application for impleadment, Directions and exemptions form filing official translation)

AND

INTERLOCUTORY APPLICATION NO. 43 & 44 in SLP No 1416 of 1997

(Application for permission to urge additional grounds)

AND

INTERLOCUTORY APPLICATION NO. 1 in INTERLOCUTORY APPLICATION NO

35 in SLP No 1416 of 1997

(Application for bringing Lrs of the applicant late Purushotam Das Achari on record )

AND

INTERLOCUTORY APPLICATION NOS. 19 & 45 in SLP No 1416 of 1997

(Application of impleadments)

AND

INTERLOCUTORY APPLICATION NOS. 47, 48, 49, 50, 51 in SLP No 1416 of 1997

(Application for interventions)

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AND

**INTERLOCUTORY APPLICATION NO. \_\_\_\_\_ in SLP No 1416 of 1997**

(Application for impleadment filed by Mrs. Sarla Chandra, Advocate on 15.11.11.)

AND

**INTERLOCUTORY APPLICATION NO. \_\_\_\_\_ in SLP No 1416 of 1997**

( Application for impleadment filed by Mr Rajan K. Chourasia, Advocate )

AND

**SLP NO. 2031 of 2009**

**WITH**

**INTERLOCUTORY APPLICATION NO. 1**

(Application for condonation of delay in filing SLP)

AND

**SLP No 6423 of 2001**

**WITH**

**INTERLOCUTORY APPLICATION NOS. 7 & 8**

**(Prayer for interim relief)**

AND

**SLP NO. 15441/2002**

**WITH**

**INTERLOCUTORY APPLICATION NO.**

(Application for substitution)

AND

**SLP NO. 16664 OF 2007**

(With prayer for interim relief)

AND

**SLP NO. 25335 OF 2007**

(With prayer for interim relief).

**WITH**

**INTERLOCUTORY APPLICATION NOS. 1 and 2**

(Application for Directions and Application for permission to file additional documents)

STATE OF WEST BENGAL AND ORS. ETC. ETC.

... PETITIONERS

- VERSUS -

PBBK SAMITY & ORS.ETC. ETC.

... RESPONDENTS

**OFFICE REPORT**

The matters above-mentioned were listed before the Hon'ble Court on 22<sup>nd</sup> July, 2009 when the Court was pleased to inter-alia pass the following Order:

*".....We accordingly direct these matters be placed before the Hon'ble Chief Justice of India for being listed before an appropriate bench....."*

(Copy of Record of Proceedings dated 22.7.2009 included in appeal paper books)

**Service Positions of the matters is as under:-**

**Civil appeal No. 16879 of 1996:**

There are 13 respondents in the matter above-mentioned Mr. Somnath Mukherjee, Advocate has entered appearance on behalf Respondents Nos 1-3, 4-9 & 13. Ms. Sumita Ray, advocate had filed vakalat/appearance on behalf of Respondent No. 04. Lrs of deceased Respondent Nos 10-12 are brought on record vide court's order dated 06.01.2014 and are represented through Ms. Uttara babbar, advocate.

It is submitted that M/s R.P. Goel and Aftab Ali Khan advocates have filed applications for permission to file additional documents on behalf of intervenors in I.A. Nos. 18,20,22.

It is further submitted that M/s R.P. Goel and Aftab Ali Khan Advocates have filed applications for interventions and same have been registered has I.A Nos 34, 35, 36, 37 and 38

**Civil Appeal No 334 of 1997:-**

There are originally 2 respondents and both are contesting respondents. Serial Nos. 3 to 8 allowed to intervene as intervenors vide court's order dated 05.12.2007 and Serial Nos 09 & 10 have intervened vide this court's order dated 11<sup>th</sup> May 2001. Both the Respondents and intervenors are represented through M/s. Somnath Mukherjee, Shekhar Kumar and K.S. Rana, Advocates.

**Civil Appeal No 775 of 1997:-**

Service of notice of lodgment of petition of Appeal is complete on sole respondent but no one has entered appearance on behalf of sole respondent.

**Civil Appeal No 776 of 1997:-**

The Lrs Nos 1 to 6 of sole deceased respondent are represented through Mr. Shekhar kumar, Advocate.

**Civil Appeal No 1789 of 1997:-**

The sole respondent is represented through Mr. Bijan Ghosh, Advocate. Original record has been received from the High court.

**Civil Appeal No 1790 of 1997:-**

There are 16 respondents. Respondent No. 1 is contesting respondent and respondent Nos. 2 to 16 are proforma respondents. Service of Notice of lodgment of Petition of Appeal is complete on all the respondents but no one has entered appearance on their behalf. Original record has been received from the High court.

**Civil Appeal No 2450 of 1997:-**

There are 5 respondents and are represented through Mr. Jay Savla, Advocate.

**Civil Appeal No 2453 of 1997:-**

Service of Notice of lodgment of Petition of Appeal is complete on the sole respondent but no one has entered appearance before this court so far.

**Civil Appeal No 1719 of 1997:-**

It is submitted that there are 3 respondents in the matter above-mentioned and are represented through Ms. Mridula Bharadwaj, Advocate.

**Civil Appeal No 335 of 1997:-**

It is submitted that there are 6 respondents in the matter above-mentioned. Respondent Nos 1 , 3-5 are represented through Mr Ranjan Mukherjee, Advocate appeal stands updated against Respondent No. 2 vide court's order dated 30.04.07.

**Civil Appeal No 510 1997:-**

It is submitted that there are 94 respondents in the appeal above-mentioned. Mr. Somnath Mukherjee, Advocate has put in appearance on behalf of Respondent Nos. 4, 11, 15, 31, 36, 37, 44, 49-50, 60 ,71 ,73, 74 ,76-77, 80 & 84-86. Miss Sumita Roy, Advocate has put in appearance on behalf of Respondent nos 1-3, 6-8, 12, 17, 19-23, 27, 29, 30, 33-35, 38-40, 51, 52 & 54-56. Lrs of Deceased Respondent Nos 14, 16, 25, 26, 41, 43, 47, 48, 53, 61, 65, 67, 75, 81 & 82 are brought on record vide court's order dated.13.01.2014 .and are represented through Ms Uttara Babbar, Advocate. Respondent Nos 28, 42, 45, 57,

72, 79 and 87 have been died and the appeal stands abated against the said respondents vide this Court's Order dated 1<sup>st</sup> May, 2001. The service of notice fo Lodgment of Petition of Appeal is complete on Respondent Nos 5, 9, 10, 13, 18, 24, 32, 39, 46, 55, 58, 59, 62-64, 66, 68, 69, 70, 78, 83 & 88-94 but no one has entered apperance on their behalf.

**Civil Appeal No 509 of 1997:-**

It is submitted that there are 28 respondents in the appeal above-mentioned. Respondents Nos 1,2, 4-7, 9-14 are represented through Ms. Sumita Roy, Respondent No 23-27 through Mr. somnath Mukherjee and Respondent Nos 2,7 and 16 through Shekhar Kumar, Advocates. Lrs of deceased Respondent Nos. 18 & 19 brought on record vide Court's dated 06/01/2014 and are represented through Ms. Uttara Babbar, Advocate. Appeal has been abated against Respondent Nos 3,8 and 28.

**Civil Appeal No. 2089 Of 2004:-**

It is submitted that there are two respondents in the appeal above-mentioned and the both are represented through Mr. Anip Sachthey, Advocate. Certified that the original record has been received from the High Court.

**Civil Appeal No 8355 of 1997:-**

It is submitted that Respondent No 1 to 4 are represented through Mr. Ranjan Mukherjee, Advocate. Respondent No 5 has not entered appearance so far though served. The appeal is also ready for hearing es-partie as against respondent No. 5.

Original record has been received from the high Court in the all above-mentioned matters and are available in the Registry.

**SLP Nos. 1416/1997 :**

It is submitted that the service of notice is complete on behalf of the respondents in this matters. R-1 (state) is represented through Mr. Anip Sachthey, Advocate but he has not filed Counter-affidavit so far. R-2 has not entered his appearance so far though served.

It is further submitted that Mrs. Sarla Chandra and Mr. Rajan K Chourasia, Advocates have filed applications for implement as party respondents. But the same are defective for the reason that copies have not been served on Mr. K.S. Rana , Advocate and

affidavit in support of the applications is not attested respectively. Both applications are tagged with SLP paper-books as unregistered. Remaining applications for impleadment and interventions filed by different counsel have been registered and tagged with SLP paper-books.

**SLP (C) No. 6432 of 2001 :**

It is submitted that there are 6 respondents in the matter. Mr. Abhijit Sen Gupta, Advocate has put in appearance on behalf of Respondent Nos. 1,2 and 4 and Mr, Rajiv Tyagi, Advocate has put in appearance on behalf of Respondent No. 3 and 5, but they have not filed their Counter-affidavit so far. Respondent No 6 though Served by Registered AD post, has not entered appearance so far.

**SLP (C) No. 2031 of 2001 :**

It is submitted that there are 10 respondents in the matter. All the respondents have been already served by Registered AD Post, but they have not entered their appearance so far. The service of notice is complete.

**SLP No. 15441 of 2002:**

It is submitted that the sole petitioner has died and his application for substitution to bring on record the Lrs. has been filed, but the same is defective for the reason that counsel for the petitioner has not furnished the age of all the four legal representatives of deceased petitioner and also not taken any steps to served the unserved respondent Nos. 12 and 15 so far despite this Registry's letter dated 20<sup>th</sup> February, 2007.

**SLP (C) No. 16664 of 2007 :**

There are 5 respondent in this matter. Mr. Abhijit Bhattacharjee, Advocate has filed vakalatnama and counter-affidavit on behalf of all the respondents. Copy of the same is included in the paper books.

**SLP (C) No. 25335 of 2007 :**

Mr. K.S. Rana, Advocate has filed Vakalatnama and counter-affidavit on behalf of sole respondent. Counsel for the sole respondent has also filed two applications: (i) Directions and (ii) Petition to urge additional grounds. All the documents are included in

paper-books.

**SLP (C) No. 26172 of 2008 :**

It is submitted that there are 3 respondents in this matter. Mr. Partha Sil, Advocate has entered appearance on behalf of all the three respondents and filed counter-affidavit on their behalf. Copy of the same is included in the paper-books.

**SLP (C) No.26235 of 2012 :**

It is submitted that there are 2 respondent in this matter Mr. D.P. Mukherjee, Advocate has filed Vakalatnama on behalf of Respondent No 1 but counter-affidavit has not been filed so far.

It is further submitted that Respondent No. 2 has since been expired but counsel for the petitioner has not taken any step to bring the Lrs. Of Deceased Respondent No. 2. Despite this Hon'ble Court's Order dated 13.12.2013 pass by Hon'ble Judge in chamber (Copy of the Record of Proceedings included).

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

DATED THIS THE 7<sup>th</sup> DAY OF JULY, 2014.

ASSISTANT REGISTRAR

Copy to :

1. Mr. Anip Sachthey, Advocate
2. Ms. Sumita Ray, Advocate
3. Mr. Somnath Mukherjee, Advocate
4. Miss Uttara Babbar, Advocate
5. Mr. G. Ramakrishna Prasad, Advocate -
6. Mr. Mukesh K. Giri, Advocate
7. Mr. Bijan Ghosh, Advocate
8. Mr. Jay Savla, Advocate
9. Mr. Shekhar Kumar, Advocate
10. Mr. Shiv Sagar Tiwari, Advocate
11. Ms. Mridula Bhardwaj, Advocate
12. Mr. Avijit Bhattacharjee, Advocate
13. Mr. Abhijit Sengupta, Advocate
14. Mr. V. N. Raghupathy, Advocate
15. Mr. Ranjan Mukherjee, Advocate
16. Ms. Ruby Singh Ahuja, Advocate
17. Mr. C. Balakrishna, Advocate
18. Mr. K. S. Rana Advocate
19. Dr. Monika Gusain, Advocate
20. Mr. S.C. Patel, Advocate
21. Mr. Rameshwar Prasad Goyal, Advocate
22. Mr. Rajan K Chaurasiya
23. Mr. Rauf Rahim, Advocate
24. Mrs. Sarla Chandra, Advocate

ASSISTANT REGISTRAR