

ITEM NO.301

COURT NO.7

SECTION IX/X/IV-A/
XIV/XI-AS 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. 5674/2009

PANDURANG GANPATI CHAUGULE

APPELLANT (S)

VERSUS

VISHWASRAO PATIL MURGUD SAHAKARI BANK L.
(WITH INTERIM RELIEF AND OFFICE REPORT)

RESPONDENT (S)

WITH

SLP (C) NO. 7694/2015

(WITH INTERIM RELIEF AND OFFICE REPORT)

W.P. (C) NO. 131/2015

(WITH APPLN. (S) FOR STAY AND OFFICE REPORT)

SLP (C) NO. 29859/2010

(WITH INTERIM RELIEF AND OFFICE REPORT)

C.A. NO. 5675/2009

(WITH INTERIM RELIEF AND OFFICE REPORT)

C.A. NO. 5681/2009

(WITH OFFICE REPORT)

C.A. NO. 5682/2009

(WITH INTERIM RELIEF AND OFFICE REPORT)

C.A. NO. 5684/2009

(WITH INTERIM RELIEF)

SLP (C) NO. 25930/2009

(WITH INTERIM RELIEF AND OFFICE REPORT)

W.P. (C) NO. 318/2010

(WITH OFFICE REPORT)

C.A. NO. 4391/2010

(WITH OFFICE REPORT)

C.A. NO. 7410/2010

SLP (C) NO. 24309/2010

W.P. (C) NO. 41/2011
(WITH APPLN. (S) FOR VACATING STAY AND OFFICE REPORT)

W.P. (C) NO. 220/2011
(WITH OFFICE REPORT)

W.P. (C) NO. 293/2011
(WITH APPLN. (S) FOR DIRECTIONS AND OFFICE REPORT)

W.P. (C) NO. 306/2011
(WITH APPLN. (S) FOR DIRECTIONS AND OFFICE REPORT)

W.P. (C) NO. 338/2011
(WITH OFFICE REPORT)

W.P. (C) NO. 375/2011
(WITH OFFICE REPORT)

SLP (C) NO. 7295-7298/2011
(WITH OFFICE REPORT)

SLP (C) NO. 22304-22305/2011
(WITH OFFICE REPORT)

SLP (C) NO. 24479-24480/2011
(WITH INTERIM RELIEF AND OFFICE REPORT)

W.P. (C) NO. 122/2012
(WITH APPLN. (S) FOR VACATING STAY AND OFFICE REPORT)

W.P. (C) NO. 199/2012
(WITH OFFICE REPORT)

W.P. (C) NO. 250/2012
(WITH OFFICE REPORT)

W.P. (C) NO. 291/2012
(WITH OFFICE REPORT)

W.P. (C) NO. 386/2012
(WITH APPLN. (S) FOR DIRECTIONS AND OFFICE REPORT)

W.P. (C) NO. 487/2012
(WITH OFFICE REPORT)

W.P. (C) NO. 537/2012

(WITH OFFICE REPORT)

W.P. (C) NO. 554/2012
(WITH APPLN. (S) FOR DIRECTIONS AND OFFICE REPORT)

SLP (C) NO. 24276/2012
(WITH INTERIM RELIEF AND OFFICE REPORT)

W.P. (C) NO. 36/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 111/2013
(WITH APPLN. (S) FOR DIRECTIONS AND MODIFICATION OF COURT'S ORDER
AND OFFICE REPORT)

W.P. (C) NO. 112/2013
(WITH APPLN. (S) FOR DIRECTIONS AND MODIFICATION OF COURT'S ORDER
AND OFFICE REPORT)

W.P. (C) NO. 138/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 146/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 151/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 175/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 179/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 181/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 191/2013
(WITH APPLN. (S) FOR DIRECTIONS AND VACATION OF EX-PARTE STAY AND
OFFICE REPORT)

W.P. (C) NO. 192/2013
(WITH APPLN. (S) FOR DIRECTIONS AND OFFICE REPORT)

W.P. (C) NO. 201/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 233/2013

(WITH OFFICE REPORT)

W.P. (C) NO. 236/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 238/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 248/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 250/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 253/2013
(WITH APPLN. (S) FOR VACATING STAY AND OFFICE REPORT)

W.P. (C) NO. 264/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 265/2013
(WITH APPLN. (S) FOR DIRECTIONS AND OFFICE REPORT)

W.P. (C) NO. 266/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 270/2013
(WITH APPLN. (S) FOR DIRECTIONS AND OFFICE REPORT)

W.P. (C) NO. 271/2013
(WITH APPLN. (S) FOR DIRECTIONS AND OFFICE REPORT)

W.P. (C) NO. 279/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 280/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 284/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 353/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 452/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 469/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 588/2013
(WITH APPLN.(S) FOR MODIFICATION OF COURT'S ORDER AND OFFICE
REPORT)

W.P. (C) NO. 753/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 758/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 761/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 762/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 800/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 819/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 877/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 922/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 1007/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 1037/2013
(WITH APPLN.(S) FOR STAY AND DISMISSAL OF WRIT PETITION AND OFFICE
REPORT)

W.P. (C) NO. 1043/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 1044/2013
(WITH OFFICE REPORT)

W.P. (C) NO. 1045/2013
(WITH OFFICE REPORT)

SLP(C) NO. 12916/2013
(WITH INTERIM RELIEF AND OFFICE REPORT)

SLP(C) NO. 15634-15635/2013
(WITH OFFICE REPORT)

SLP(C) NO. 17054/2013
(WITH INTERIM RELIEF AND OFFICE REPORT)

SLP(C) NO. 18775/2013
(WITH INTERIM RELIEF AND OFFICE REPORT)

SLP(C) NO. 18777/2013
(WITH INTERIM RELIEF AND OFFICE REPORT)

SLP(C) NO. 29720/2013
(WITH OFFICE REPORT)

SLP(C) NO. 29721/2013
(WITH OFFICE REPORT)

SLP(C) NO. 35137/2013
(WITH APPLN.(S) FOR MODIFICATION/RECALLING OF COURT'S ORDER AND
INTERIM RELIEF AND OFFICE REPORT)

W.P.(C) NO. 5/2014
(WITH OFFICE REPORT)

W.P.(C) NO. 10/2014
(WITH OFFICE REPORT)

W.P.(C) NO. 40/2014
(WITH OFFICE REPORT)

W.P.(C) NO. 142/2014
(WITH OFFICE REPORT)

W.P.(C) NO. 168/2014
(WITH APPLN.(S) FOR VACATING STAY AND OFFICE REPORT)

W.P.(C) NO. 169/2014
(WITH APPLN.(S) FOR VACATING STAY AND OFFICE REPORT)

W.P.(C) NO. 352/2014
(WITH APPLN.(S) FOR DIRECTIONS AND OFFICE REPORT)

W.P.(C) NO. 408/2014
(WITH OFFICE REPORT)

W.P. (C) NO. 420/2014
(WITH OFFICE REPORT)

W.P. (C) NO. 421/2014
(WITH APPLN. (S) FOR STAY AND VACATING STAY AND OFFICE REPORT)

W.P. (C) NO. 492/2014
(WITH OFFICE REPORT)

W.P. (C) NO. 712/2014
(WITH APPLN. (S) FOR VACATING STAY AND MODIFICATION OF COURT'S ORDER
AND OFFICE REPORT)

W.P. (C) NO. 714/2014
(WITH APPLN. (S) FOR VACATING STAY AND OFFICE REPORT)

W.P. (C) NO. 754/2014
(WITH OFFICE REPORT)

W.P. (C) NO. 795/2014
(WITH OFFICE REPORT)

W.P. (C) NO. 827/2014
(WITH OFFICE REPORT)

W.P. (C) NO. 838/2014
(WITH APPLN. (S) FOR VACATING INTERIM ORDER AND OFFICE REPORT)

W.P. (C) NO. 849/2014
(WITH APPLN. (S) FOR VACATING INTERIM ORDER AND OFFICE REPORT)

W.P. (C) NO. 1020/2014
(WITH OFFICE REPORT)

S.L.P. (C) ...CC NO. 7586/2014
(WITH APPLN. (S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP (C) NO. 32589/2014
(WITH APPLN. (S) FOR EXTENSION OF TIME AND OFFICE REPORT)

W.P. (C) NO. 26/2015
(WITH APPLN. (S) FOR MODIFICATION AND OFFICE REPORT)

W.P. (C) NO. 79/2015
(WITH APPLN. (S) FOR EXTENSION OF TIME AND OFFICE REPORT)

W.P. (C) NO. 86/2015
(WITH APPLN. (S) FOR DIRECTIONS AND OFFICE REPORT)

W.P. (C) NO. 264/2015
(WITH APPLN. (S) FOR RECALLING THE COURT'S ORDER AND OFFICE REPORT)

W.P. (C) NO. 186/2015
(WITH OFFICE REPORT)

SLP (C) NO. 17935/2015
(WITH OFFICE REPORT)

SLP (C) NO. 27645/2015
(WITH INTERIM RELIEF AND OFFICE REPORT)

W.P. (C) NO. 733/2015
(WITH APPLN. (S) FOR STAY AND OFFICE REPORT)

SLP (C) NO. 28892/2015
(WITH INTERIM RELIEF AND OFFICE REPORT)

W.P. (C) NO. 868/2015
(WITH APPLN. (S) FOR STAY AND OFFICE REPORT)

W.P. (C) NO. 858/2015
(WITH APPLN. (S) FOR STAY AND OFFICE REPORT)

Date : 26/02/2016 These cases were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

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for M/s. S.M. Jadhav & Company, AOR

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Mr. Rajesh Mahale, AOR

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Mr. P. I. Jose, AOR

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Mr. Mudit Sharma, Adv.
Mr. Parvez A. Khan, Adv.
Ms. Palak Chadha, Adv.
Mr. P.V. Yogeswaran, AOR

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Mr. Varun Singh, Adv.
Mr. Abhishth Kumar, Adv.

Mr. Shamik Sanjanwala, Adv.
Mr. Kailash Pandey, Adv.
Mr. Ranjeet Singh, Adv.
Mr. K.V. Sreekumar, Adv.

Mr. Manish Pitale, Adv.
Ms. Deeplaxmi S. Matwankar, Adv.
Mr. C.S. Ashri, Adv.

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Mr. Zaid Ali, Adv.
Mr. Tamim Qadri, Adv.

Mr. Saurabh Chopra, Adv.
Mr. L.R. Singh, Adv.

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Mr. Manindra Dubey, Adv.
Mr. Satpal Singh, Adv.

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Mr. Deeptakirti Verma, AOR.

Ms. Jyotika Kalra, Adv.

Mr. Gaurav Sharma, Adv.
Mr. Prateek Bhatia, Adv.
Mr. D. Mohan, Adv.
Mr./Ms. Vara Gaur, Adv.

Ms. Asha Gopalan Nair, AOR

Ms. Sonal Jain, AOR

Mr. Anil Kumar Sangal, AOR

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

SLP(C) NO. 28892/2015

The learned counsel for the respondent Bank informs the Court that a letter has been circulated by the petitioners to the Registry seeking leave to withdraw the Special Leave Petition. Learned counsel further submits that the disputes between the Bank and the petitioners have also been settled by payment of dues. In these circumstances, the present Special leave petition has become infructuous and is disposed of as such.

I.A. NO.4 IN SLP(C) NO. 32589/2014

Three months' further time is granted to the applicants-petitioners to comply with the order of this Court dated 18th February, 2015 with regard to deposit of 50% of the dues.

C.A. NO.5674/2009, SLP(C) NO. 7694/2015, W.P.(C) NO. 131/2015, SLP(C) NO. 29859/2010, C.A. NO. 5675/2009, C.A. NO. 5681/2009, C.A. NO. 5682/2009, C.A. NO. 5684/2009, SLP(C) NO. 25930/2009, W.P.(C) NO. 318/2010, C.A. NO. 4391/2010, C.A. NO. 7410/2010, SLP(C) NO. 24309/2010, W.P.(C) NO. 41/2011, W.P.(C) NO. 220/2011, W.P.(C) NO. 293/2011, W.P.(C) NO. 306/2011, W.P.(C) NO. 338/2011, W.P.(C) NO. 375/2011, SLP(C) NO. 7295-7298/2011, SLP(C) NO. 22304-22305/2011, SLP(C) NO. 24479-24480/2011, W.P.(C) NO. 122/2012, W.P.(C) NO. 199/2012, W.P.(C) NO. 250/2012, W.P.(C) NO. 291/2012, W.P.(C) NO. 386/2012, W.P.(C) NO. 487/2012, W.P.(C) NO. 537/2012, W.P.(C) NO. 554/2012, SLP(C) NO. 24276/2012, W.P.(C) NO. 36/2013, W.P.(C) NO. 111/2013, W.P.(C) NO. 112/2013, W.P.(C) NO. 138/2013, W.P.(C) NO. 146/2013, W.P.(C) NO. 151/2013, W.P.(C) NO. 175/2013, W.P.(C) NO. 179/2013, W.P.(C) NO. 181/2013, W.P.(C) NO. 191/2013, W.P.(C) NO. 192/2013, W.P.(C) NO. 201/2013, W.P.(C) NO. 233/2013, W.P.(C) NO. 236/2013, W.P.(C) NO. 238/2013, W.P.(C) NO. 248/2013, W.P.(C) NO. 250/2013, W.P.(C) NO. 253/2013, W.P.(C) NO. 264/2013, W.P.(C) NO. 265/2013, W.P.(C) NO. 266/2013, W.P.(C) NO. 270/2013, W.P.(C) NO. 271/2013, W.P.(C) NO. 279/2013, W.P.(C) NO. 280/2013, W.P.(C) NO. 284/2013, W.P.(C) NO. 353/2013, W.P.(C) NO. 452/2013, W.P.(C) NO. 469/2013, W.P.(C) NO. 588/2013, W.P.(C) NO. 753/2013, W.P.(C) NO. 758/2013, W.P.(C) NO. 761/2013, W.P.(C) NO. 762/2013, W.P.(C) NO. 800/2013, W.P.(C) NO. 819/2013, W.P.(C) NO. 877/2013, W.P.(C) NO. 922/2013, W.P.(C) NO. 1007/2013, W.P.(C) NO. 1037/2013, W.P.(C) NO. 1043/2013, W.P.(C) NO. 1044/2013, W.P.(C) NO. 1045/2013, SLP(C) NO. 12916/2013,

SLP(C) NO. 15634-15635/2013, SLP(C) NO. 17054/2013, SLP(C) NO. 18775/2013, SLP(C) NO. 18777/2013, SLP(C) NO. 29720/2013, SLP(C) NO. 29721/2013, SLP(C) NO. 35137/2013, W.P.(C) NO. 5/2014, W.P.(C) NO. 10/2014, W.P.(C) NO. 40/2014, W.P.(C) NO. 142/2014, W.P.(C) NO. 168/2014, W.P.(C) NO. 169/2014, W.P.(C) NO. 352/2014, W.P.(C) NO. 408/2014, W.P.(C) NO. 420/2014, W.P.(C) NO. 421/2014, W.P.(C) NO. 492/2014, W.P.(C) NO. 712/2014, W.P.(C) NO. 714/2014, W.P.(C) NO. 754/2014, W.P.(C) NO. 795/2014, W.P.(C) NO. 827/2014, W.P.(C) NO. 838/2014, W.P.(C) NO. 849/2014, W.P.(C) NO. 1020/2014, S.L.P.(C)...CC NO. 7586/2014, SLP(C) NO. 32589/2014, W.P.(C) NO. 26/2015, W.P.(C) NO. 79/2015, W.P.(C) NO. 86/2015, W.P.(C) NO. 264/2015, W.P.(C) NO. 186/2015, SLP(C) NO. 17935/2015, SLP(C) NO. 27645/2015, W.P.(C) NO. 733/2015, W.P.(C) NO. 868/2015, W.P.(C) NO. 858/2015

The Registry to place the papers before the Hon'ble the Chief Justice of India for being referred to a larger Bench in terms of the signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
 CIVIL APPEAL NO.5674 OF 2009

PANDURANG GANPATI CHAUGULE . . . APPELLANT

VERSUS

VISHWASRAO PATIL MURGUD SAHAKARI BANK
 LTD. . . . RESPONDENT

WITH

SLP(C) NO. 7694/2015, W.P.(C) NO. 131/2015,
 SLP(C) NO. 29859/2010, C.A. NO. 5675/2009,
 C.A. NO. 5681/2009, C.A. NO. 5682/2009,
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 W.P.(C) NO. 293/2011, W.P.(C) NO. 306/2011,
 W.P.(C) NO. 338/2011, W.P.(C) NO. 375/2011,
 SLP(C) NO. 7295-7298/2011, SLP(C) NO.
 22304-22305/2011, SLP(C) NO.
 24479-24480/2011, W.P.(C) NO. 122/2012,
 W.P.(C) NO. 199/2012, W.P.(C) NO. 250/2012,
 W.P.(C) NO. 291/2012, W.P.(C) NO. 386/2012,
 W.P.(C) NO. 487/2012, W.P.(C) NO. 537/2012,
 W.P.(C) NO. 554/2012, SLP(C) NO.
 24276/2012, W.P.(C) NO. 36/2013, W.P.(C)
 NO. 111/2013, W.P.(C) NO. 112/2013, W.P.(C)
 NO. 138/2013, W.P.(C) NO. 146/2013, W.P.(C)
 NO. 151/2013, W.P.(C) NO. 175/2013, W.P.(C)
 NO. 179/2013, W.P.(C) NO. 181/2013, W.P.(C)
 NO. 191/2013, W.P.(C) NO. 192/2013, W.P.(C)
 NO. 201/2013, W.P.(C) NO. 233/2013, W.P.(C)
 NO. 236/2013, W.P.(C) NO. 238/2013, W.P.(C)
 NO. 248/2013, W.P.(C) NO. 250/2013, W.P.(C)
 NO. 253/2013, W.P.(C) NO. 264/2013, W.P.(C)
 NO. 265/2013, W.P.(C) NO. 266/2013, W.P.(C)
 NO. 270/2013, W.P.(C) NO. 271/2013, W.P.(C)

NO. 279/2013, W.P. (C) NO. 280/2013, W.P. (C)
 NO. 284/2013, W.P. (C) NO. 353/2013, W.P. (C)
 NO. 452/2013, W.P. (C) NO. 469/2013, W.P. (C)
 NO. 588/2013, W.P. (C) NO. 753/2013, W.P. (C)
 NO. 758/2013, W.P. (C) NO. 761/2013, W.P. (C)
 NO. 762/2013, W.P. (C) NO. 800/2013, W.P. (C)
 NO. 819/2013, W.P. (C) NO. 877/2013, W.P. (C)
 NO. 922/2013, W.P. (C) NO. 1007/2013, W.P.
 (C) NO. 1037/2013, W.P. (C) NO. 1043/2013,
 W.P. (C) NO. 1044/2013, W.P. (C) NO.
 1045/2013, SLP (C) NO. 12916/2013, SLP (C)
 NO. 15634-15635/2013, SLP (C) NO.
 17054/2013, SLP (C) NO. 18775/2013, SLP (C)
 NO. 18777/2013, SLP (C) NO. 29720/2013,
 SLP (C) NO. 29721/2013, SLP (C) NO.
 35137/2013, W.P. (C) NO. 5/2014, W.P. (C) NO.
 10/2014, W.P. (C) NO. 40/2014, W.P. (C) NO.
 142/2014, W.P. (C) NO. 168/2014, W.P. (C) NO.
 169/2014, W.P. (C) NO. 352/2014, W.P. (C) NO.
 408/2014, W.P. (C) NO. 420/2014, W.P. (C) NO.
 421/2014, W.P. (C) NO. 492/2014, W.P. (C) NO.
 712/2014, W.P. (C) NO. 714/2014, W.P. (C) NO.
 754/2014, W.P. (C) NO. 795/2014, W.P. (C) NO.
 827/2014, W.P. (C) NO. 838/2014, W.P. (C) NO.
 849/2014, W.P. (C) NO. 1020/2014, S.L.P.
 (C)...CC NO. 7586/2014, SLP (C) NO.
 32589/2014, W.P. (C) NO. 26/2015, W.P. (C)
 NO. 79/2015, W.P. (C) NO. 86/2015, W.P. (C)
 NO. 264/2015, W.P. (C) NO. 186/2015, SLP (C)
 NO. 17935/2015, SLP (C) NO. 27645/2015, W.P.
 (C) NO. 733/2015, W.P. (C) NO. 868/2015,
 W.P. (C) NO. 858/2015.

ORDER

1. We have read and considered the
 order dated 30th July, 2015 referring the
 matters to a larger Bench in view of

conflicting decisions in Greater Bombay Coop. Bank Ltd. vs. United Yarn Tex (P) Ltd. and others [(2007) 6 SCC 236] and the earlier pronouncements of this Court in Delhi Cloth & General Mills Co. Ltd. vs. Union of India [(1983) 4 SCC 1666], T. Velayudhan vs. Union of India [(1993) 2 SCC 582] and Union of India vs. Delhi High Court Bar Association [(2002) 4 SCC 275].

2. The basis on which the decisions, referred to above, have been reached by the respective Benches relate to the scope of the legislative fields covered by Entry 45 of List I and Entry 32 of List II of the Seventh Schedule which question undoubtedly touches upon the issue in hand, namely, the applicability of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFASI Act) to Cooperative

Societies/Banks. As the decisions in conflict are of coordinate Benches (three judges' Bench) the reference, in our considered view, ought to have been made to a larger Bench. We, therefore, direct the Registry to place the papers before the Hon'ble the Chief Justice of India for being referred to a larger Bench.

.....,J.
(RANJAN GOGOI)

.....,J.
(ARUN MISHRA)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
FEBRUARY 26, 2016