

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.48 OF 2012

RAIN PROOF EXPORTS PVT. LTD. & ANR. ... PETITIONER(S)

VS.

UNION OF INDIA & ORS. ... RESPONDENT(S)

O R D E R

In the course of hearing of this matter, it has been submitted by Mr. Dhruv Mehta, learned senior counsel appearing for the petitioners that a letter dated 6th April, 2015 had been addressed to the petitioners by the respondent-Bank, wherein it has been stated in Clause (2) as under :

"2) As on date, a sum of Rs.7,93,51,486.17 is due and payable by you to our Bank under your credit facility accounts. However, under the OTS policy of the Bank, your credit facility accounts can be settled for Rs.2,41,76,719.17, which is the present outstanding principal amount."

So, as on 6th April, 2015, as per the One Time Settlement (OTS) Scheme, 2008, about a sums of Rs.2.42 Crores (Rupees Two Crores Forty Two Lakhs only) was payable by the petitioners to the respondent-Bank.

The learned counsel appearing for the petitioners has submitted that the petitioners are ready and willing to make payment as per the said scheme. However, he has

expressed his doubt about the calculation of the afore-stated amount.

At present, on *ad-hoc* basis the petitioners are prepared to accept the said offer. If it is so, 25% of afore-stated amount shall be paid by the petitioners to the respondent-Bank within one month from today and the remaining 75% shall be paid by the petitioners, as per the guidelines dated 10th March, 2008 issued by the Reserve Bank of India, in maximum 11 equal monthly instalments, together with interest at the Minimum Lending Rate from the date of settlement upto the date of final payment. The respondent- Bank shall give details about the amount which is to be paid by the petitioners every month.

As there is some doubt with regard to calculation of the amount which has been referred to hereinabove, it has been agreed by the learned counsel for both the sides that as per the provisions of Section 84(4) of the Multi-State Cooperative Societies Act, 2002, an Arbitrator to be appointed by the Central Registrar or his nominee, shall determine the amount payable and if the said amount is more or less than the afore-stated amount, the same shall be adjusted within one month from the date on which the Arbitrator determines the amount payable.

The amount shall be paid as per the following :

"If the borrower opted to pay in instalment he should pay minimum 25% of settlement amount within one month from date of approval of application under One Time Settlement Scheme and balance amount to be paid in maximum 11 monthly instalments with interest @ PLR (At present PLR is 13.5%) on the settlement amount on daily reducing balance till repayment of entire dues under One Time Settlement Scheme."

In view of the above order, the earlier interim order stands vacated and it is directed that no coercive action shall be taken against the petitioners for recovery of the amount due and payable if the amount is paid as per the afore-stated arrangement.

A copy of this order shall be forwarded to Respondent No.3 by the Registry of this Court.

The writ petition stands disposed of accordingly.

.....J.
[ANIL R. DAVE]

.....J.
[KURIAN JOSEPH]

New Delhi;
9th April, 2015.

ITEM NO.101 COURT NO.3 SECTION IX, X, IVA, XIV, XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 5674/2009

PANDURANG GANPATI CHAUGULE

Appellant(s)

VERSUS

VISHWASRAO PATIL MURGUD SAHAKARI BANK L.

Respondent(s)

WITH

SLP(C) NO. 25930/2009 (S. IX) (DIRECTIONS AND INTERIM RELIEF AND OFFICE REPORT), W.P.(C) NO.48/2012 (S. X) (AMENDMENT OF THE PETITION AND STAY AND OFFICE REPORT), W.P.(C) NO. 922/2013 (S.X) (DIRECTIONS AND PERMISSION TO FILE ADDITIONAL DOCUMENTS AND OFFICE REPORT), W.P.(C)NO. 1007/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 142/2014 (S. X) (EX-PARTE STAY AND OFFICE REPORT), W.P.(C) NO. 168/2014 (S. X) (STAY AND VACATING STAY AND OFFICE REPORT), W.P.(C) NO. 169/2014 (S. X) (STAY AND VACATING STAY AND OFFICE REPORT), W.P.(C) NO. 421/2014 (S.X) (STAY AND VACATING STAY AND OFFICE REPORT), W.P.(C) NO. 1020/2014 (S. X) (DIRECTIONS AND OFFICE REPORT), C.A. NO. 5675/2009 (S. IX) (INTERIM RELIEF AND OFFICE REPORT), C.A.NO. 5681/2009 (S. IX) (OFFICE REPORT), C.A. NO. 5682/2009 (S. IX) (INTERIM RELIEF AND OFFICE REPORT), C.A. NO. 5684/2009 (S. IX) (DIRECTIONS AND INTERIM RELIEF), W.P.(C) NO. 318/2010 (S.X) (STAY AND OFFICE REPORT), C.A. NO. 1468/2010 (S. IV) (EXEMPTION FROM FILING O.T. AND VACATING STAY), C.A. NO. 4391/2010 (S. XIA) (RECALLING COURTS'S ORDER DATED 18.02.2015 AND PERMISSION TO FILE COUNTER AFFIDAVIT AND OFFICE REPORT), C.A. NO. 7410/2010 (S. IX), SLP(C)NO. 24309/2010 (S. IX), W.P.(C) NO. 41/2011 (S. X) (STAY AND VACATING STAY AND OFFICE REPORT), W.P.(C) NO. 220/2011 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 293/2011 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 306/2011 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 308/2011 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 338/2011 (S.X) (STAY AND OFFICE REPORT), W.P.(C) NO. 375/2011 (S. X) (STAY AND OFFICE REPORT), SLP(C) NO.7295-7298/2011 (S. IVA) (OFFICE REPORT), SLP(C) NO. 22304-22305/2011 (S. IX) (EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND OFFICE REPORT), SLP(C) NO. 24479-24480/2011 (S. IX) (INTERIM RELIEF AND OFFICE REPORT), W.P.(C) NO. 97/2012 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 103/2012 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 122/2012 (S.X) (STAY AND VACATING STAY AND OFFICE REPORT), W.P.(C) NO. 199/2012 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 250/2012 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 291/2012 (S. X) (WITH OFFICE REPORT), W.P.(C) NO. 386/2012 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO.

487/2012 (S.X) (STAY AND OFFICE REPORT), W.P.(C) NO. 537/2012 (S. X) (PERMISSION TO FILE ADDITIONAL DOCUMENTS AND STAY AND OFFICE REPORT), W.P.(C) NO. 554/2012 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), SLP(C) NO. 24276/2012 (S. IVA) (INTERIM RELIEF AND OFFICE REPORT), W.P.(C) NO. 36/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 111/2013 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 112/2013 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 138/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 146/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 151/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 175/2013 (S.X) (STAY AND OFFICE REPORT), W.P.(C) NO. 179/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO.181/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 191/2013 (S. X) (DIRECTIONS AND STAY AND VACATION OF EX-PARTE STAY AND OFFICE REPORT), W.P.(C) NO. 192/2013 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 201/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 233/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 236/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 238/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 248/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 250/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 253/2013 (S. X) (STAY AND VACATING STAY AND OFFICE REPORT), W.P.(C) NO. 264/2013 (S. X) (IMPLEADMENT AND STAY AND OFFICE REPORT), W.P.(C) NO. 265/2013 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 266/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 270/2013 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 271/2013 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 279/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 280/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 284/2013 (S. X) (IMPLEADMENT AND STAY AND OFFICE REPORT), W.P.(C) NO. 353/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 452/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 469/2013 (S. X) (OFFICE REPORT), W.P.(C) NO. 588/2013 (S. X) (IMPLEADMENT AND IMPLEADMENT AS PARTY RESPONDENT AND STAY AND OFFICE REPORT), W.P.(C) NO. 753/2013 (S.X) (STAY AND OFFICE REPORT), W.P.(C) NO. 758/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 761/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 762/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 800/2013 (S. X) (DIRECTIONS AND OFFICE REPORT), W.P.(C) NO. 819/2013 (S.X) (STAY AND OFFICE REPORT), W.P.(C) NO. 877/2013 (S. X) (DIRECTIONS AND OFFICE REPORT), W.P.(C) NO. 1037/2013 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 1043/2013 (S.X) (STAY AND OFFICE REPORT), W.P.(C) NO. 1044/2013 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO.1045/2013 (S. X) (STAY AND OFFICE REPORT), SLP(C) NO. 12916/2013 (S. XIA) (INTERIM RELIEF AND OFFICE REPORT), SLP(C) NO. 15634-15635/2013 (S. IVA) (C/DELAY IN FILING SLP AND OFFICE REPORT), SLP(C) NO. 17054/2013 (S. IX) (INTERIM RELIEF AND OFFICE REPORT), SLP(C) NO. 18775/2013 (S.IX) (INTERIM RELIEF AND OFFICE REPORT), SLP(C) NO. 18777/2013 (S. IX) (INTERIM RELIEF AND OFFICE REPORT), SLP(C) NO. 25126/2013 (S. IX) (INTERIM RELIEF), SLP(C) NO. 29720/2013 (S. IX) (OFFICE REPORT), SLP(C) NO. 29721/2013 (S. IX) (OFFICE REPORT), SLP(C) NO. 35137/2013 (S. IX)

(INTERIM RELIEF AND OFFICE REPORT), W.P.(C) NO. 5/2014 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 10/2014 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 352/2014 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), W.P.(C) NO. 408/2014 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 420/2014 (S.X) (STAY AND OFFICE REPORT), W.P.(C) NO. 492/2014 (S. X) (EXEMPTION FROM FILING O.T. AND STAY AND OFFICE REPORT), W.P.(C) NO. 712/2014 (S. X) (STAY AND VACATING STAY AND OFFICE REPORT), W.P.(C) NO. 714/2014 (S. X) (STAY AND VACATING STAY), W.P.(C) NO. 754/2014 (S. X) (EXEMPTION FROM FILING O.T. AND STAY AND OFFICE REPORT), W.P.(C) NO. 756/2014 (S. X) (DIRECTIONS AND STAY AND OFFICE REPORT), S.L.P.(C)... /2014 CC NO. 7586 (S. IVA) (C/DELAY IN FILING SLP AND OFFICE REPORT), W.P.(C) NO. 795/2014 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 849/2014 (S. X) (EX-PARTE STAY AND VACATING INTERIM ORDER AND OFFICE REPORT), W.P.(C) NO. 838/2014 (S. X) (STAY AND VACATING INTERIM ORDER AND OFFICE REPORT), W.P.(C) NO. 827/2014 (S. X) (EX-PARTE STAY AND OFFICE REPORT), SLP(C) NO. 32589/2014 (S. XIV) (EXEMPTION FROM FILING O.T.), W.P.(C) NO. 26/2015 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 79/2015 (S. X) (APPLN.(S) FOR EXTENSION OF TIME AND OFFICE REPORT), W.P.(C) NO. 131/2015 (S. X) (STAY AND OFFICE REPORT), W.P.(C) NO. 86/2015 (S. X) (DIRECTIONS), W.P.(C) NO. 965/2014 (S. X) (DIRECTIONS AND EX-PARTE STAY AND MODIFICATION OF COURT'S ORDER AND OFFICE REPORT), SLP(C) NO. 7694/2015 (S. IX) (EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND INTERIM RELIEF AND OFFICE REPORT)

Date : 09/04/2015 These matters were called on for hearing today.

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

W.P. (C) 48 of 2012

The Writ Petition is disposed of in terms of the signed order.

SLP (C) NO.25126 OF 2013 :

Detagged.

Mr. Gagan Sanghi, learned Advocate, appearing on behalf of Mr. R.P. Goyal, learned Advocate-on-Record, has submitted that he has instruction to appear for Respondent No.-5-Bank and seeks time to file Vakalatnama and counter affidavit.

He shall file vakalatnama within one week and counter affidavit within two weeks from today.

Rejoinder affidavit may be filed within one week thereafter.

List the matter on 06.05.2015.

Till the next date of hearing, no coercive action shall be taken to recover the amount in question.

SLP(C)Nos.9102, 9979 & 10476 of 2014 :

Taken on board.

In view of order passed in Writ Petition (c) No.48/2012, these petitions do not survive and the learned counsel for the petitioners seeks permission to withdraw the petitions.

Permission is granted.

The Special Leave Petitions are disposed of as
withdrawn.

List all the matters on 13.07.2015 at 10.30 AM (for
whole day)

(Jayant Kumar Arora)
Sr. P.A.

(Sneh Bala Mehra)
Assistant Registrar