

ITEM NO.1 (PH)

COURT NO.10

SECTION IIA/IX

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 8060/2015

(Arising out of impugned final judgment and order dated 29/11/2014 in MA No. 123/2011, 29/11/2014 in CN No. 237/2010 passed by the Chief Metropolitan Magistrate, Esplanade, Mumbai)

VISHAL N KALSARIA

Petitioner(s)

VERSUS

BANK OF INDIA & ORS.

Respondent(s)

(With appln.(s) for permission to bring subsequent events on record, exemption from filing c/c of the impugned judgment, impleadment and interim relief and Office Report)

WITH

SLP(Cr1) No. 8064/2015

(With appln.(s) for exemption from filing c/c of the impugned judgment and impleadment and Office Report)

SLP(Cr1) No. 8063/2015

(With appln.(s) for exemption from filing c/c of the impugned judgment and impleadment and Office Report)

SLP(Cr1) No. 8062/2015

(With appln.(s) for exemption from filing c/c of the impugned judgment and impleadment and Office Report)

SLP(Cr1) No. 8066/2015

(With appln.(s) for exemption from filing c/c of the impugned judgment and impleadment and Office Report)

SLP(Cr1) No. 8067/2015

(With appln.(s) for exemption from filing c/c of the impugned judgment and impleadment and Office Report)

SLP(Cr1) No. 8068/2015

(With appln.(s) for exemption from filing c/c of the impugned judgment and impleadment and Office Report)

SLP(Crl) No. 8069/2015
(With appln.(s) for exemption from filing c/c of the impugned judgment and impleadment and Office Report)

SLP(C) No. 13295-13296/2015
(With appln.(s) for exemption from filing c/c of the impugned judgment and Interim Relief and Office Report)

Crl.A. No. 753/2014
(With appln.(s) for directions and Office Report)

Crl.A. No. 754/2014
(With appln.(s) for directions and Office Report)

SLP(Crl) No. 6944/2015
(With Office Report)

SLP(Crl) No. 6945/2015
(With Office Report)

SLP(C) No. 25133/2015
(With appln.(s) for exemption from filing c/copy as well as plain copy of the impugned order and Office Report)

SLP(Crl) No. 6941/2015
(With Office Report)

SLP(C) No. 28040/2015
(With Interim Relief and Office Report)

SLP(C) No. 28446/2015
(With Interim Relief and Office Report)

SLP(C) No. 28300/2015
(With Interim Relief and Office Report)

SLP(C) No. 12772/2015
(With appln.(s) for directions and Interim Relief and Office Report)

SLP(C)No. 31080/2015
(With appln.(s) for exemption from filing c/copy as well as plain copy of the impugned order and Interim Relief and Office Report)

Date : 03/11/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)	<p>Mr. Nikhil Goel, Adv.</p> <p>Ms. Naveen Goel, Adv.</p> <p>Mr. Purvish Jitendra Malkan, Adv.</p> <p>Mr. Dharita P. Malkan, Adv.</p> <p>Mr. Garvesh Kabra, Adv.</p> <p>Mr. H.C. Kharbanda, Adv.</p> <p>Mr. Anurag Kishore, Adv.</p> <p>Mr. Adarsh Upadhyay, Adv.</p> <p>Mr. Basava Prabhu S. Patil, Sr. Adv.</p> <p>Mr. Pramod B. Agarwala, Adv.</p>
For Respondent(s)	<p>Mr. Dhruv Mehta, Sr. Adv.</p> <p>Mr. Sameer Abhyankar, Adv.</p> <p>Mr. Sonal Jain, Adv.</p> <p>Ms. Heena Sharma, Adv.</p> <p>Mr. Amar Dave, Adv.</p> <p>Mr. Krishnayan Sen, Adv.</p> <p>Mr. Ankit Jain, Adv.</p> <p>Mr. Kunal Chatterji, Adv.</p> <p>Mr. Amarendra Sharan, Sr. Adv.</p> <p>Mr. Anil Kumar Sangal, Adv.</p> <p>Mr. Siddharth Sangal, Adv.</p> <p>Mr. M. T. George, Adv.</p> <p>Mr. M.G. Yogamaya, Adv.</p> <p>Mr. Vikas Singh, Sr. Adv.</p> <p>Mr. Shyam Diwan, Sr. adv.</p> <p>Mr. Sanjay Kapur, Adv.</p> <p>Mr. Anmol Chandan, Adv.</p> <p>Ms. Priyanka Das, Adv.</p> <p>Mr. O. P. Gaggar, Adv.</p> <p>Mr. Aditya Gaggar, Adv.</p>

Mr. Rajeev K. Pandey, Adv.
Rajeev Maheshwaranand Roy, Adv.

Mr. Kunal A. Cheema, Adv.
Mr. Nishant Katneshwarkar, Adv.

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

Heard Mr. Vikas Singh, learned senior counsel for respondent no. 4 in S.L.P.(C)No. 28040/2015, Mr. Shyam Diwan, learned senior counsel for respondent in S.L.P.(C)No. 28300/2015, Mr. Dhruv Mehta, learned senior counsel for respondent no. 1 in S.L.P.(C)Nos. 13295-13296/2015, Mr. Amarendra Sharan, learned senior counsel for respondent No.1-State Bank of India in S.L.P.(Crl.)Nos. 6944, 6945 and 6941 of 2015, Mr. M.T. George, learned counsel for respondent no. 1, Bank of India in S.L.P.(C)No. 25133/2015 and S.L.P.(C)No. 12772/2015, Mr. O.P. Gaggar, learned counsel for respondent no. 1 in S.L.P.(C)No. 28446/2015, Mr. Rajeev K. Pandey, learned counsel for respondents in S.L.P.(C)No. 31080/2015. Thereafter we have heard reply submissions of Mr. Basava Prabhu S. Patil, learned senior counsel, in the aforesaid

petitions, Mr. Garvesh Kabra, learned counsel in S.L.P. (C)No. 28446/2015 and S.L.P. (C)No. 28330/2015 and Mr. Nikhil Goel, learned counsel in aforesaid petitions. We have also heard Mr. Nikhil Goel, learned counsel for the petitioner(s) in S.L.P. (Crl.)No.8060, 8064, 8063, 8062, 8066, 8067, 8068 and 8069 of 2015, Mr. Purvish J. Malkani, learned counsel for the petitioner no. 1 in S.L.P. (C)Nos. 13295-13296, 28040 of 2015 and S.L.P. (Crl.)Nos. 6944, 6945, 6941 of 2015.

State is a formal party in some of these petitions. Learned counsel for the State and the other learned counsel for the petitioners in connected matters adopt the arguments already advanced by the learned senior counsel/learned counsel for the petitioners.

Learned counsel for the parties are permitted to submit their written submissions, if any, within 10 days from today. Learned counsel appearing for the secured creditors/banks are directed to file the relevant information relating

to their respective cases in tabular form stating therein their case no., property concerned, number of tenants, total amount, amount paid and the outstanding amount etc. etc..

It is stated by Mr. Rajeev K. Pandey, learned counsel appearing for the Bank in S.L.P.(C) No.31080 of 2015 that pursuant to the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the learned CMM, they have taken constructive possession of the premises concerned and put lock(s) to the collapsal gate. Learned counsel appearing for the bank further states that no further steps have been taken thereafter in respect of property covered in the said special leave petition. In these circumstances, therefore, we direct the respondent-Bank or any other person(s) dealing on its behalf in the aforesaid petitions not to take any further precipitative action till we pass further orders in these cases.

Arguments concluded.

Judgment reserved.

(VINOD KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

Citation/Acts

The Securitisation and Reconstruction of Financial Assets
and Enforcement of Security Interest Act, 2002

The Transfer of Property Act, 1882

The Maharashtra Rent Control Act, 1999

The Constitution of India

(2014) 6 SCC 1
(2004) 11 SCC 26
(2000) 6 SCC 394
(2005) 1 SCC 787 Paras 18-22
(2002) 7 SCC 447 Para 6
(1990) 4 SCC 406 Para 46
(1988) 4 SCC 324 Para 23