

SECTION-IX
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 34102 OF 2014
WITH PRAYER FOR INTERIM RELIEF

AND
INTERLOCUTORY APPLICATION NO. 6
(Application for Cancellation of Sale filed by the advocate for the petitioner)

VISHWASRAO BAJIRAO PATIL AND OTHERS

....PETITIONERS

-VERSUS-

STATE OF MAHARASHTRA AND OTHERS

..RESPONDENTS

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 20th April, 2015, along with other connected matters, when the Court was pleased to pass the following Order:

" Heard the learned senior counsel appearing for both the sides.

Respondent No. 5-Bank shall auction only 150 acres of the land belonging to Shree Santnath Cooperative Sugar Factory within three weeks from today and due publicity shall be given with regard to the date, time and place of the auction. It would also be open to the Administrative Committee appointed to look after the day-to-day administration of the Factory to give a further advertisement so that there can be more bidders for purchase of the property in the auction.

Notwithstanding any order passed by the High Court of Bombay, the Committee shall give an advertisement only for the purpose of ensuring that more persons participate in the bid in the interest of society so as to fetch more amount.

The sale proceeds shall be kept in a separate account by the Bank.

List on 11.05.2015.

The proceedings before the High Court may go on."

Thereafter, the Interlocutory Application No. 7 : application for directions in the SLP above mentioned was listed before the Hon'ble Court on 07th May, 2015, when the Court was pleased to pass the following Order:-

Contd...2/-

" Heard learned counsel for the parties.

Upon perusal of the contents of the application, we are of the view that Condition No. 2 in the advertisement dated 24th April, 2015 should not have been incorporated as these are not winding up proceedings.

Moreover, it has been suggested by the Administrative Committee of the petitioner-factory that it would be in the interest of the factory to sell the land in question into six different parts so that there can be more number of buyers bidding at the auction. The said request appears to be reasonable.

In the aforesaid circumstances, it is directed that Respondent No. 5 - Bank shall re-advertise by deleting Condition No. 2 and the land shall be divided into six parts preferably, as suggested in the letter dated 30th April, 2015 by the Administrative Committee of the petitioner-factory.

The application stands disposed of.

SLP(C) No. 34102 of 2014 along with connected matters be notified for further hearing on 6th July, 2015 instead of 11th May, 2015."

It is submitted for information of the Hon'ble Court that there are twelve respondents and one intervenor in the instant matter. Respondent Nos. 1 to 4, 8, 9, 11 and 12 have been served with notice but no one has entered appearance on their behalf so far. Respondent No. 5 is represented by Mr. Ravindra Keshavrao Adsure, Advocate and he has filed counter affidavit on behalf of the said respondent which has already been included in the paper books. Now Mr. Krishna Kumar, Advocate has filed vakalatnama and appearance on behalf of Respondent No. 5 along with letter dated 14th May, 2015 of the respondent No. 5 requesting therein to Mr. Ravindra Keshavrao Adsure, Advocate to send No Objection and hand over all the matters brief & Papers to Mr. Krishan Kumar, Advocate (Copy of the letter is enclosed). Respondent No. 6 has been transposed as Petitioner No. 4 vide Hon'ble Court's Order dated 27th March, 2015 passed in Interlocutory Application No. 4. Respondent Nos. 7 and 10 are represented by Ms. Abha R. Sharma, Advocate but no counter affidavit has been filed so far. Intervenor is represented by Mr. Jatin Zaveri, Advocate.

It is further submitted that counsel for the petitioner has not filed rejoinder affidavit so far.

Contd...3/-

It is further submitted that counsel for the petitioner has filed an application for cancellation of sale and the same has been registered as interlocutory Application No. 6 and has already been included in the paper books.

It is lastly submitted that as per Court's Order dated 27th March, 2015 no documents have been filed so far.

Service of notice is complete in the SLP.

The matter above mentioned is listed before the Hon'ble Court with this report.

Dated this the 3rd day of July, 2015.

ASSISTANT REGISTRAR

Copy to:

MR. SUDHANSHU S. CHOUDHARI, ADVOCATE

MR. RAVINDRA KESHAVRAO ADSURE, ADVOCATE

MS. ABHA R. SHARMA, ADVOCATES

MR. CHANDER SHEKHAR ASHRI, ADVOCATE

MR. JATIN ZAVERI, ADVOCATE

MR. KRISHAN KUMAR, ADVOCATE

ASSISTANT REGISTRAR