

ITEM NO.61

COURT NO.11

SECTION 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 (C) No. 16464/2021

(Arising out of impugned final judgment and order dated 30-09-2021 in WPL No. 21271/2021 passed by the High Court Of Judicature At Bombay)

SURENDRA B. JIWRAJKA & ANR.

Petitioner(s)

VERSUS

OMKARA ASSETS RECONSTRUCTION PRIVATE LIMITED

Respondent(s)

([TO BE TAKEN UP AFTER ITEM NO. 57.])

WITH

SLP(C) No. 16463/2021 (IX)

(IA No. 132056/2021 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT

IA No. 132053/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

W.P.(C) No. 1281/2021 (X)

(IA No. 151757/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 151756/2021 - STAY APPLICATION)

W.P.(C) No. 149/2022 (X)

(IA No. 32033/2022 - STAY APPLICATION)

W.P.(C) No. 403/2022 (X)

(FOR ADMISSION and IA No.80914/2022-STAY APPLICATION)

W.P.(C) No. 307/2022 (X)

(IA No. 64618/2022 - STAY APPLICATION)

W.P.(C) No. 308/2022 (X)

(IA No. 64815/2022 - STAY APPLICATION)

W.P.(C) No. 385/2022 (X)

([TO BE TAKEN UP AS ITEM NO. 19]..... FOR ADMISSION and
IA No.76473/2022-EX-PARTE AD-INTERIM RELIEF.)

W.P.(C) No. 388/2022 (X)

(FOR ADMISSION and IA No.77121/2022-EX-PARTE STAY)

W.P.(C) No. 394/2022 (X)

(FOR ADMISSION and IA No.78878/2022-EX-PARTE STAY)

W.P.(C) No. 424/2022 (X)
(FOR ADMISSION and IA No.82940/2022-EX-PARTE STAY)

W.P.(C) No. 428/2022 (X)
(FOR ADMISSION)

W.P.(C) No. 418/2022 (X)
(FOR ADMISSION and IA No.82540/2022-STAY APPLICATION)

W.P.(C) No. 416/2022 (X)
(FOR ADMISSION and IA No.82527/2022-EX-PARTE STAY)

W.P.(C) No. 417/2022 (X)
(FOR ADMISSION and IA No.82531/2022-EX-PARTE STAY)

W.P.(C) No. 491/2022 (X)
(FOR ADMISSION and IA No.91969/2022-STAY APPLICATION)

Diary No(s). 18674/2022 (X)
(FOR ADMISSION and I.R. and IA No.102102/2022-STAY APPLICATION and IA No.102099/2022-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

W.P.(C) No. 485/2022 (X)
(FOR ADMISSION and IA No.91204/2022-STAY APPLICATION)

W.P.(C) No. 486/2022 (X)
(FOR ADMISSION and IA No.91275/2022-STAY APPLICATION)

W.P.(C) No. 472/2022 (X)
(IA No. 89232/2022 - EX-PARTE STAY)

W.P.(C) No. 467/2022 (X)
(IA No. 88595/2022 - EX-PARTE STAY)

W.P.(C) No. 471/2022 (X)
(IA No. 89204/2022 - STAY APPLICATION)

W.P.(C) No. 478/2022 (X)
(FOR ADMISSION and IA No.90165/2022-STAY APPLICATION)

W.P.(C) No. 530/2022 (X)
(FOR ADMISSION and IA No.96862/2022-EX-PARTE STAY)

W.P.(C) No. 528/2022 (X)
(FOR ADMISSION and IA No.96664/2022-EX-PARTE STAY)

W.P.(C) No. 541/2022 (X)
(FOR ADMISSION and IA No.99151/2022-EX-PARTE STAY)

W.P.(C) No. 559/2022 (X)
(FOR ADMISSION and IA No.101341/2022-STAY APPLICATION)

W.P.(C) No. 551/2022 (X)
(FOR ADMISSION and IA No.100597/2022-STAY APPLICATION)

W.P.(C) No. 567/2022 (X)
(FOR ADMISSION and IA No.102376/2022-STAY APPLICATION)

W.P.(C) No. 578/2022 (X)
(FOR ADMISSION and IA No.103492/2022-STAY APPLICATION)

W.P.(C) No. 570/2022 (X)
(FOR ADMISSION and IA No.102576/2022-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 599/2022 (X)
(FOR ADMISSION and IA No.109048/2022-EX-PARTE STAY)

W.P.(C) No. 560/2022 (X)
(FOR ADMISSION)

W.P.(C) No. 583/2022 (X)
(FOR ADMISSION and IA No.105542/2022-STAY APPLICATION)

SLP(C) No. 14526-14530/2022 (XVII)
(FOR ADMISSION and I.R. and IA No.111503/2022-CONDONATION OF DELAY IN FILING and IA No.111504/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.111505/2022-INTERVENTION/IMPLEADMENT)

W.P.(C) No. 600/2022 (X)
(FOR ADMISSION and IA No.109112/2022-STAY APPLICATION)

W.P.(C) No. 582/2022 (X)
(FOR ADMISSION and IA No.105512/2022-STAY APPLICATION)

W.P.(C) No. 597/2022 (X)
([TO BE TAKEN UP ALONG WITH ITEM NO. 2 I.E. W.P.(C) No. 149/2022].....FOR ADMISSION and IA No.108350/2022-STAY APPLICATION)

W.P.(C) No. 590/2022 (X)
(FOR ADMISSION and IA No.107096/2022-EX-PARTE STAY)

W.P.(C) No. 611/2022 (X)
(FOR ADMISSION and IA No.110811/2022-STAY APPLICATION)

W.P.(C) No. 601/2022 (X)
(FOR ADMISSION and IA No.109148/2022-STAY APPLICATION)

W.P.(C) No. 615/2022 (X)

(FOR ADMISSION and IA No.111230/2022-STAY APPLICATION)

W.P.(C) No. 622/2022 (X)

(FOR ADMISSION and IA No.111762/2022-STAY APPLICATION)

SLP(C) No. 13750/2022 (XVII)

(FOR ADMISSION and I.R. and IA No.109830/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.109831/2022-INTERVENTION/IMPLEADMENT and IA No.109829/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 596/2022 (X)

([TO BE TAKEN UP ALONG WITH ITEM NO. 2 I.E. W.P.(C) No. 149/2022].....FOR ADMISSION and IA No.108298/2022-STAY APPLICATION)

SLP(C) No. 13748/2022 (XVII)

(FOR ADMISSION and I.R. and IA No.109816/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.109818/2022-INTERVENTION/IMPLEADMENT and IA No.109814/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 14056/2022 (XVII)

(IA No.112178/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.108793/2022-INTERVENTION/IMPLEADMENT and IA No.112177/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-08-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Mohit Chaudhary, Adv.
Ms. Puja Sharma, Adv.
Mr. Kunal Sachdeva, Adv.
Mr. Chowdhar Zulfikar Ali, Adv.
Ms. Mahima Ahuja, Adv.
Mr. Sanyukta Gupta, Adv.
Mr. Prakhar Gupta, Adv.
Mr. Prakhayat Gargasya, Adv.
M/S. Kings And Alliance Llp , AOR

Mr. Anuj Tiwari, Adv.
Mr. Aditya Manubarwala, Adv.
Mr. Nikhil Anand, Adv.
Mr. Hitesh Kr. Sharma, Adv.
Mr. Bharat Thakorlal Manubarwala, AOR

Mr. Abhishek Anand, Adv.
Mr. Nipun Gautam, Adv.
Mr. Mohak Sharma, Adv.
Mr. Karan Kohli, Adv.
Mr. Viren Sharma, Adv.
Ms. Mithu Jain, AOR

Mr. D. S. Naidu, Sr. Adv.
Mr. Prashant Chaudhary, AOR

Mr. Salvador Santosh Rebello, AOR
Mr. G. P. Madaan, Adv.
Mr. Aditya Madaan, Adv.
Mr. Raghav Sharma, Adv.
Mr. Kanishk Arora, Adv.
Ms. Nidhi Vardhan, Adv.
Mr. Harimohan N, Adv.
Ms. Aishwarya Adlakha, Adv.
Mr. Rauhal Kapoor, Adv.

Ms. Pooja M. Saigal, Adv.
Mr. Snehasish Mukherjee, AOR
Mr. Simrat Singh Pasay, Adv.
Mr. Anshul Bajaj, Adv.

Mr. Puneet Bali, Sr. Adv.
Mr. Surjeet Bhadu, Adv.
Mr. Rashil Gandhi, Adv.
Mr. Aditya Soni, AOR

M/S. Trust Legal, AOR

Mr. Soayib Qureshi, AOR
Mr. Kamalkant Thakur, Adv.

Dr. Singhvi, Sr. Adv.
Mr. Nitin Rai, Sr. Adv.
Ms. Pallavi Pratap, AOR
Mr. Mridul Rai, Adv.
Mr. Manoj Rajpoot, Adv.

Mr. T. V. S. Raghavendra Sreyas, AOR
Mrs. Gayatri Gulati Sreyas, Adv.
Mr. Siddharth Vasudev, Adv.

Mr. K. parameshwar, AOR
Mr. M. Mukunda, Adv.
Ms. A. Sregurupriya, Adv.
Ms. Arti Gupta, Adv.

Mr. Mahesh Agarwal, Adv.
 Mr. Rishi Agrawala, Adv.
 Mr. Pranjit Bhattacharya, Adv.
 Mr. E. C. Agrawala, AOR

Mr. Naveen R. Nath, Sr. Adv.
 Ms. Somyan Tandan, Adv.
 Mr. Anirudh Bhat, Adv.
 Ms. Hetu Arora Sethi, AOR

Mr. Sarthak Ghonkrokta, AOR

Ms. Eshna Kumar, Adv.
 Mr. Udit Gupta, Adv.
 Mr. Anup Jain, Adv.
 Mr. Pulkrit Tare, AOR
 Mr. Akshay Goel, Adv.
 Ms. Prache Gupta, Adv.

Mr. Prateek Sekseria, Adv.
 Mr. Bhaskar Nayak, Adv.
 Mr. Apoorv Khotar, Adv.
 Mr. Rajat Sehgal, AOR

Mr. Abhay Anand Jena, AOR

Mr. Gaurav Jain, Adv.
 Mr. Rajiv K. Virmani, Adv.
 Mr. Atul Malhotra, Adv.
 Ms. Swati Bhardwaj, Adv.
 Mr. Abhinav Agrawal, AOR
 Ms. Mehak Khurana, Adv.

Mr. NPS Chawla, Adv.
 Mr. Surekh Kant Baxy, Adv.
 Ms. Mahima Shekhawat, Adv.
 Mr. Nitin Mishra, AOR

Mr. Anand Dilip Landge, AOR
 Mr. Avineesh Jha, Adv.

Mr. Balaji Srinivasan, AOR

Mr. Anshuman Srivastava, AOR

For Respondent(s) Ms. Anannya Ghosh, AOR

Mr. Tushar Mehta, SG
 Mr. K. M. Nataraj, ASG
 Mr. Kanu Agrawal, Adv.
 Mr. Shailesh Madiyal, Adv.
 Mr. Apoorv Kurup, Adv.

Mr. Rajan Kr. Chourasia, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Sanjay Kapur, AOR
Ms. Shubhra Kapur, Adv.
Ms. Megha K., Adv.
Mr. Arjun Bhatia, Adv.
Mr. Aashish Kumar Gupta, Adv.
Mr. Lalit Rajput, Adv.

Mr. Venancio D' Costa, Adv.
Ms. Astha Ojha, Adv.
Mr. Faisal Sherwani, AOR

Mr. Amish Tandon, Adv.
Mr. Sameer Abhyankar, AOR
Mr. Harsh, Adv.
Ms. Pooja Singh, Adv.
Mr. Abhinav Mishra, Adv.
Ms. Nishi Sangtani, Adv.
Ms. Vani Vandana Chhetri, Adv.
Mr. Ayush Beotra, Adv.

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

The learned Solicitor General submits that apart from the cases of which details were given earlier, some more matters involving similar or akin issues are pending and the complete details thereof have been furnished by way of an application dated 24.08.2022.

Office to check and list the matters appropriately, subject to the orders of Hon'ble the Chief Justice of India.

SLP(C) No. 16463 of 2021 and 16464 of 2021

Dr. Singhvi, learned senior counsel submits that the petitioners face a predicament that the Debt Recovery Tribunal is seeking to proceed with the matter, particularly on the question of jurisdiction as raised by the petitioners, though the same issue

would come up for consideration in these petitions too. The prayer is for staying further proceedings before the Debt Recovery Tribunal.

The prayer is opposed on behalf of the respondents, particularly with reference to the order dated 29.10.2021, where the learned senior counsel had given assurance before the Court that no adjournment would be sought before the Debt Recovery Tribunal.

Taking note of the totality of circumstances of the case, as at present, it is provided that though the Debt Recovery Tribunal may proceed with the present hearing but, we would request the Tribunal not to pass final orders on the issues being heard, and await further orders of this Court.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)
COURT MASTER (NSH)