

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 40 OF 2011

M/s. Gehlot Creation & Anr. ...Petitioners

VS.

Union of India & Ors. ...Respondents

WITH W.P.(C)Nos.269, 378, 484, 529, 531 of 2011
123, 248, 249, 369, 371, 490, 521 of 2012, 6 of
2013, 240 & 272 of 2014

O R D E R

WP(C)No.40/2011 :

The learned counsel for the parties have submitted
that the dispute between the parties has been settled out
of the Court.

No further order is hence required to be passed.

In the circumstances, the petition stands disposed
of as withdrawn along with the applications.

The ad-interim relief, if any, granted earlier
stands vacated.

WP(C)No.269/2011 :

The learned counsel for the petitioner(s) seeks
permission to withdraw the petition so as to file a fresh

Signature Not Verified

Digitally signed by
Sarita Purohit
Date: 2015.03.10
17:18:57 IST

petition in view of the subsequent development in the

Reason:

matter.

Permission is granted.

The petition is disposed of as withdrawn.

The ad-interim relief, if any, granted earlier shall
continue for four weeks from today.

If there is any proposal from the petitioner(s) for settlement, we are sure that this order will not come in the way of the parties to settle the matter.

WP(C)No.378/2011 :

The learned counsel for the petitioner(s) seeks permission to withdraw the petition.

Permission is granted.

The petition is disposed of as withdrawn.

WP(C)No.484/2011 :

The learned counsel for the petitioner(s) seeks permission to withdraw the petition so as to file a fresh petition in view of the subsequent development in the matter.

Permission is granted.

The petition is disposed of as withdrawn.

The ad-interim relief, if any, granted earlier shall continue for four weeks from today.

If there is any proposal from the petitioner(s) for settlement, we are sure that this order will not come in the way of the parties to settle the matter.

2

WP(C)No.529 and 531 of 2011 :

The learned counsel for the petitioner(s) seeks permission to withdraw the petition.

Permission is granted.

The petition is disposed of as withdrawn.

The ad-interim relief, if any, granted earlier shall stand vacated.

WP(C)No.123/2012 :

The learned counsel for the petitioner(s) seeks permission to withdraw the petition.

Permission is granted.

The petition is disposed of as withdrawn.

The ad-interim relief, if any, granted earlier shall

stand vacated.

WP(C)Nos.248 and 249/2012 :

The learned counsel for the petitioner(s) seeks permission to withdraw the petition so as to file a fresh petition in view of the subsequent development in the matter.

Permission is granted.

The petition is disposed of as withdrawn.

The ad-interim relief, if any, granted earlier shall continue for four weeks from today.

If there is any proposal from the petitioner(s) for settlement, we are sure that this order will not come in the way of the parties to settle the matter.

3

WP(C)No.369, 371, 490 and 521 of 2012 :

The learned counsel for the petitioner(s) seeks permission to withdraw the petition so as to file a fresh petition in view of the subsequent development in the matter.

Permission is granted.

The petition is disposed of as withdrawn.

The ad-interim relief, if any, granted earlier shall continue for four weeks from today.

If there is any proposal from the petitioner(s) for settlement, we are sure that this order will not come in the way of the parties to settle the matter.

WP(C)No.6/2013 :

The learned counsel for the petitioner(s) seeks permission to withdraw the petition so as to file a fresh petition in view of the subsequent development in the matter.

Permission is granted.

The petition is disposed of as withdrawn.

The ad-interim relief, if any, granted earlier shall

continue for four weeks from today.

If there is any proposal from the petitioner(s) for settlement, we are sure that this order will not come in the way of the parties to settle the matter.

4

WP(C)No.240/2014 :

The learned counsel for the petitioner(s) seeks permission to withdraw the petition so as to file a fresh petition in view of the subsequent development in the matter.

Permission is granted.

The petition is disposed of as withdrawn.

The ad-interim relief, if any, granted earlier shall continue for four weeks from today.

If there is any proposal from the petitioner(s) for settlement, we are sure that this order will not come in the way of the parties to settle the matter.

W.P.(C)No.272/2014 :

The learned counsel for the petitioners has submitted that the notice has been withdrawn by the Bank and the petition has become infructuous.

In view of this the petition stands disposed of as having become infructuous and it is disposed of accordingly.

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

.....J.
[KURIAN JOSEPH]

New Delhi;
18th February, 2015.

5

ITEM NO.101+1

COURT NO.3

SECTION IX

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

RECORD OF PROCEEDINGS

Item No.101 :

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

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. 5683/2009
(With Interim Relief and Office Report)

C.A. No. 5684/2009
(With Interim Relief)

SLP(C) No. 25929/2009
(With Interim Relief and Office Report)

SLP(C) No. 25930/2009
(With appln. for directions and Interim Relief and Office Report)

W.P.(C) No. 318/2010
(With appln.(s) for stay and Office Report)

C.A. No. 1468/2010

C.A. No. 4391/2010
(With Office Report)

C.A. No. 7410/2010

SLP(C) No. 24309/2010

6

SLP(C) No. 29859/2010
(With Interim Relief and Office Report)

W.P.(C) No. 40/2011
(With appln.(s) for stay and Office Report)

W.P.(C) No. 41/2011
(With appln.(s) for stay, vacating stay and Office Report)

W.P.(C) No. 220/2011
(With appln.(s) for stay and Office Report)

W.P.(C) No. 269/2011
(With appln.(s) for stay and vacating stay and Office Report)

W.P.(C) No. 293/2011
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 306/2011
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 308/2011
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 338/2011
(With appln.(s) for stay and Office Report)

W.P.(C) No. 367/2011
(With appln.(s) for directions, interim directions and impleadment and Office Report)

W.P.(C) No. 375/2011
(With appln.(s) for stay and Office Report)

W.P.(C) No. 378/2011
(With appln.(s) for stay and Office Report)

W.P.(C) No. 411/2011
(With appln.(s) for stay and Office Report)

W.P.(C) No. 484/2011
(With appln.(s) for stay and vacating interim order and Office Report)

W.P.(C) No. 529/2011
(With appln.(s) for stay and vacating interim order and Office Report)

W.P.(C) No. 531/2011
(With appln.(s) for vacating interim order and stay and Office Report)

7

C.A. No. 2440/2011
(With Office Report)

SLP(C) No. 7295-7298/2011
(With Office Report)

SLP(C) No. 21260/2011
(With Interim Relief and 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. 5/2012
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 48/2012
(With appln.(s) for amendment of the petition and stay and Office Report)

W.P.(C) No. 97/2012
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 103/2012
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 122/2012
(With appln.(s) for stay and Office Report)

W.P.(C) No. 123/2012

(With appln.(s) for stay and Office Report)

W.P.(C) No. 199/2012

(With appln.(s) for stay and Office Report)

W.P.(C) No. 248/2012

(With appln.(s) for stay and vacating interim order and Office Report)

W.P.(C) No. 249/2012

(With appln.(s) for stay and Office Report)

W.P.(C) No. 250/2012

(With appln.(s) for stay and Office Report)

W.P.(C) No. 291/2012

(With appln.(s) for ex-parte stay and Office Report)

W.P.(C) No. 293/2012

(With appln.(s) for ex-parte stay and Office Report)

8

W.P.(C) No. 369/2012

(With appln.(s) for stay and Office Report)

W.P.(C) No. 371/2012

(With appln.(s) for ex-parte stay and Office Report)

W.P.(C) No. 386/2012

(With appln.(s) for stay and Office Report)

W.P.(C) No. 460/2012

(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 461/2012

(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 487/2012

(With appln.(s) for stay and Office Report)

W.P.(C) No. 490/2012

(With appln.(s) for stay and vacating stay and Office Report)

W.P.(C) No. 521/2012

(With appln.(s) for vacating stay and stay and Office Report)

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

(With appln.(s) for stay and permission to file additional documents and Office Report)

W.P.(C) No. 554/2012

(With appln.(s) for stay, directions and Office Report)

SLP(C) Nos. 18732-18733/2012

(With Interim Relief and Office Report)

SLP(C) No. 24276/2012

(With Interim Relief and Office Report)

SLP(C) No. 30568/2012

(With Interim Relief and Office Report)

W.P.(C) No. 6/2013

(With appln.(s) for vacating stay and stay and Office Report)

W.P.(C) No. 7/2013

(With appln.(s) for stay directions and Office Report)

W.P.(C) No. 36/2013

(With appln.(s) for stay and Office Report)

W.P.(C) No. 37/2013

(With appln.(s) for stay and Office Report)

9

W.P.(C) No. 51/2013

(With appln.(s) for stay and clarification of Court's order, stay and Office Report)

W.P.(C) No. 52/2013

(With appln.(s) for stay and clarification of Court's order, stay and Office Report)

W.P.(C) No. 58/2013

(With appln.(s) for stay and clarification of Court's order and Office Report)

W.P.(C) No. 111/2013

(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 112/2013

(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 138/2013

(With appln.(s) for stay and Office Report)

W.P.(C) No. 146/2013

(With appln.(s) for stay and Office Report)

W.P.(C) No. 151/2013

(With appln.(s) for stay and Office Report)

W.P.(C) No. 175/2013

(With appln.(s) for stay and Office Report)

W.P.(C) No. 179/2013

(With appln.(s) for stay and Office Report)

W.P.(C) No. 181/2013

(With appln.(s) for stay and Office Report)

W.P.(C) No. 191/2013

(With appln.(s) for stay and vacation of ex-parte stay directions and Office Report)

W.P.(C) No. 192/2013

(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 201/2013

(With appln.(s) for stay and Office Report)

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

(With appln.(s) for stay and substitution of respondent and Office Report)

W.P.(C) No. 236/2013

(With appln.(s) for stay and substitution of respondent and Office Report)

10

W.P.(C) No. 238/2013

(With appln.(s) for stay and substitution of respondent and Office Report)

W.P.(C) No. 248/2013

(With appln.(s) for stay and Office Report)

W.P.(C) No. 250/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 253/2013
(With appln.(s) for stay and appln.(s) for vacating stay and Office Report)

W.P.(C) No. 264/2013
(With appln.(s) for stay and impleadment and Office Report)

W.P.(C) No. 265/2013
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 266/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 270/2013
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 271/2013
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 279/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 280/2013
(With Office Report)

W.P.(C) No. 284/2013
(With appln.(s) for stay and impleadment and Office Report)

CONMT.PET.(C) No. 320/2013 In SLP(C) No. 15507/2013

W.P.(C) No. 353/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 452/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 469/2013
(With Office Report)

W.P.(C) No. 588/2013
(With appln.(s) for stay, impleadment and impleadment as party respondent and Office Report)

11

W.P.(C) No. 753/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 758/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 761/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 762/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 800/2013
(With appln.(s) for directions and Office Report)

W.P.(C) No. 819/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 868/2013
(With appln.(s) for interim directions and directions and vacating stay)

W.P.(C) No. 877/2013
(With appln.(s) for directions and Office Report)

W.P.(C) No. 922/2013
(With appln.(s) for directions and Office Report)

W.P.(C) No. 1007/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 1037/2013
(With appln.(s) for directions and stay and Office Report)

W.P.(C) No. 1043/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 1044/2013
(With appln.(s) for stay and Office Report)

W.P.(C) No. 1045/2013
(With appln.(s) for stay and Office Report)

SLP(C) No. 12916/2013
(With Interim Relief and Office Report)

SLP(C) No. 13100/2013
(With Interim Relief and Office Report)

SLP(C) No. 15507/2013
(With Office Report)

12

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. 25126/2013
(With Interim Relief)

SLP(C) No. 29720/2013
(With Office Report)

SLP(C) No. 29721/2013
(With Office Report)

SLP(C) No. 35137/2013
(With Interim Relief and Office Report)

W.P.(C) No. 5/2014
(With appln.(s) for stay and Office Report)

W.P.(C) No. 10/2014
(With appln.(s) for stay and Office Report)

W.P.(C) No. 33/2014
(With appln.(s) for stay and for impleadment and Office Report)

W.P.(C) No. 40/2014
(With appln.(s) for directions, vacating stay and Office Report)

W.P.(C) No. 120/2014

(With appln.(s) for stay, impleadment and vacating interim relief and Office Report)

W.P.(C) No. 142/2014
(With appln.(s) for ex-parte stay and Office Report)

W.P.(C) No. 168/2014
(With appln.(s) for vacating stay and stay and Office Report)

W.P.(C) No. 169/2014
(With appln.(s) for vacating stay and stay and Office Report)

W.P.(C) No. 208/2014
(With appln.(s) for stay and Office Report)

W.P.(C) No. 240/2014
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 272/2014
(With appln.(s) for ex-parte stay and Office Report)

W.P.(C) No. 352/2014
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 408/2014
(With appln.(s) for stay and Office Report)

W.P.(C) No. 417/2014
(With appln.(s) for stay and Office Report)

W.P.(C) No. 420/2014
(With appln.(s) for stay and Office Report)

W.P.(C) No. 421/2014
(With appln.(s) for stay, vacating stay and Office Report)

W.P.(C) No. 492/2014
(With appln.(s) for stay and Office Report)

W.P.(C) No. 712/2014
(With appln.(s) for stay, vacating stay and Office Report)

W.P.(C) No. 714/2014
(With appln.(s) for stay, vacating stay)

W.P.(C) No. 754/2014
(With appln.(s) for stay and Office Report)

W.P.(C) No. 756/2014
(With appln.(s) for stay, directions and Office Report)

W.P.(C) No. 779/2014
(With appln.(s) for stay and exemption from filing O.T. and vacation of ex-parte stay and Office Report)

S.L.P.(C).....CC No. 7586/2014
(With appln.(s) for c/delay in filing SLP and Office Report)

W.P.(C) No. 795/2014
(With appln.(s) for stay and Office Report)

W.P.(C) No. 849/2014
(With appln.(s) for ex-parte stay and vacating interim order and Office Report)

W.P.(C) No. 838/2014
(With appln.(s) for stay, vacating interm order and Office Report)

W.P.(C) No. 827/2014
(With appln.(s) for ex-parte stay and Office Report)

W.P.(C) No. 929/2014
(With appln.(s) for interim relief and Office Report)

SLP(C) No. 32589/2014

W.P.(C) No.26/2015
(With appln.(s) for stay and office report)

W.P.(C) No.1020/2014
(With office report)

Item No.1 :

W.P.(C)No.79 of 2015
(With appln. for stay and office report)

Date : 18/02/2015 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Appellant(s)

Mr. Santosh,Adv.
Mr. M. Khairati,Adv.
For Mr. Gaurav Agrawal,Adv.

Mr. Nikhil Nayyar,Adv.

Mr. Akash Kakade,Adv.
For Ms. Anagha Desai,Adv.

Mr. Sunil Kumar Verma,Adv.

Ms. Chandan Ramamurthi,Adv.(Not present)

Mr. R. Sudhinder,Adv.
Mr. Abhishek Prasad,Adv.
Mr. Ashok Mathur,Adv..

Mr. Tarkeshwar Nath,Adv.
For Mr. R.P. Goyal,Adv.

Mr. Saurabh Devkaran Singh,Adv.
For Mr. Jayant K. Mehta,Adv.

Mr. K.L. Taneja,Adv.

Ms. Purti M.,Adv.
For Mr. A. Venayagam Balan,Adv.

Mr. Pradhuman Gohil,Adv.
Mr. Vikash Singh,Adv.
Ms. Taruna Singh,Adv.
Mr. Jaikriti S. Jadeja,Adv.
Ms. Charu Mathur,Adv.

Mr. Chirag M. Shroff,Adv.
Mr. Jitendra Ranawat,Adv.
Ms. Mahima Shroff,Adv.
Ms. Swati Vaibhav,Adv.

Mr. Vikash Sinha,Adv.

Mr. Satpal Singh,Adv.

Mr. A.S. Chobe,Adv.

Mr. P.K. Singh,Adv.

Mr. Vijay Kumar,Adv.

Mr. Rabin Majumder,Adv.

Mr. S. Sadasiva Reddy,Adv.

For Ms. S. Usha Reddy,Adv.

Mr. P.K. Manohar,Adv.

Mr. Jayanth Muth Raj,Adv.

Ms. Malavika J.,Adv.

Mr. Sureshan P.,Adv.

Mr. Vishwajit Singh,Adv.(Not present)

Mr. H. Chandra Sekhar,Adv.

Mr. Santhosh Krishnan,Adv.

For Mr. Nikhil Goel,Adv.

Mr. Devansh A. Mohta,Adv.

Mr. Shishir Deshpande,Adv.

Mr. Amit Yadav,Adv.

For Ms. Sujata Kurdukar,Adv.

Mr. Jatin Zaveri,Adv.

Mr. Neel Kamal Mishra,Adv.

Mr. Ranjan Sabharwal,Adv.

Mr. Raghav Sabharwal,Adv.

For Mr. Bankey Bihari Sharma,Adv.

16

Ms. Ankita Jain,Adv.

Ms. Amrita Mishra,Adv.

Mr. Ravi Mishra,Adv.

For Mr. Jay Savla,Adv.

Mr. Lakshmi Raman Singh,Adv.(Not present)

Mr. Sarad Kumar Singhania,Adv.

Mr. Santosh Paul,Adv.

Mr. Arvind Gupta,Adv.

Mr. Harish Pandey,Adv.

Mr. Sheen,Adv.

Mr. Shubham Agarwal,Adv.

Mr. N.D.B. Raju,Adv.

For Mr. N. Ganpathy,Adv.

Mr. S. Ravi Shankar,Adv.

Mr. Rishi Maheshwari,Adv.

For Mr. P.S. Sudheer,Adv.

Mr. Amol Chitale,Adv.

Ms. Pragya Baghel,Adv.

Ms. Jaya Khanna,Adv.

Ms. Neela Gokhale,Adv.

Ms. Kamakshi S. Mehlwal, Adv.

Mr. M. Khairati, Adv.
For Mr. Irshad Ahmad, Adv.

Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
For Mr. M.J. Paul, Adv.

Mr. Joydeep Mukherjee, Adv.
Mr. Rabin Majumder, Adv.

Mr. Garvesh Kabra, Adv.
Ms. Pooja Kabra, Adv.

Mr. Anirudh Sanganageria, Adv.
Mr. Mukul Kumar, Adv.

Ms. Sonam Gupta, Adv.
Mr. Salil Bhattacharya, Adv.
Mr. Raj Kiran Vats, Adv.
For Mr. Sanjay Jain, Adv.

17

Mr. Ankur S. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
For Mr. S.K. Kulkarni, Adv.

Mr. E.C. Agrawala, Adv. (Not present)

Mr. Vipin Nair, Adv.
Mr. P.B. Suresh, Adv.
Mr. Vishnu Shankar Jain, Adv.
Mr. Udayaditya Banerjee, Adv.
For M/s. Temple Law Firm, Adv.

Ms. Garima Prashad, Adv.

Mr. Ujjawal Pandey, Adv.
Ms. Vandita Rai, Adv.
For Asha Gopalan Nair, Adv.

Mr. Vaibhav Gulia, Adv.
For Ms. Rakhi Ray, Adv.

Mr. Atul Babasaheb Dakh, Adv.

Ms. Rashmi Singh, Adv.

Mr. V.K. Biju, Adv.

Mr. Santosh Krishnan, Adv.

Mr. Vineet Bhagat, Adv.
Mr. Udayan Jain, Adv.

Mr. Ajay Kumar Singh, Adv.

For Respondent(s)

Mr. M.Y. Deshmukh, Adv.
For Mr. R.P. Goyal, Adv.

Mr. Shekhar Naphade, Sr. Adv.
Mr. Vinay Navare, Adv.
Mr. Satyajeet Kumar, Adv.
Mr. Keshav Ranjan, Adv.

Ms. Gwen KB, Adv.
For Ms. Abha R. Sharma, Adv.

Mr. Shekhar Naphade, Sr. Adv.
Mr. Krishan Kumar, Adv.

Mr. Kuldeep S. Parihar, Adv.
For Mr. H.S. Parihar, Adv.

18

Mr. Uday B. Dube, Adv.
Mr. Shankar Chillarge, Adv.
For Mr. A.P. Mayee, Adv.

Ms. Vibha Datta Makhija, Sr. Adv.
Ms. P. Singhania, Adv.
Mr. Praveen Chaturvedi, Adv.

M/s. K.J. John & Co., Adv.

Mr. Niraj Sharma, Adv.

Mr. M.T. George, Adv.

Ms. Sunita Sharma, Adv.
Ms. Sushma Suri, Adv. (Not present)
Mr. Shreekanth N. Terdal, Adv. (Not present)

Ms. Praveena Gautam, Adv.
Mr. Deepak Tyagi, Adv.
Ms. Pusshp Gupta, Adv.

Mr. P.I. Jose, Adv.
Mr. Alok K. Prasad, Adv.
Mr. Vishwanath Bahuguna, Adv.

Mr. Shivaji M. Jadhav, Adv.
For M/s. S.M. Jadhav & Co., Adv.

Mr. R. Basant, Sr. Adv.
Mr. C.K. Sasi, Adv.
Mr. Karthik Ashok, Adv.

Mr. Yash Pal Dhingra, Adv.

Mr. Tapeshe Kumar Singh, Adv.

Ms. Rajani K. Prasad, Adv.
For Ms. Annapoorani, Adv.

Mr. Yadunandan Bansal, Adv.
For Mr. Abhijat P. Medh, Adv.

Mr. Anil Kumar Mishra, Adv.

Mr. Shekhar Naphade, Sr. Adv.
Mr. Chinmoy Khaladkar, Adv.
Mr. Preshit Surshe, Adv.
Mr. Arjun Krishnan, Adv.

19

Mr. D.M. Nargolkar, Adv.

Mr. Piyush Sharma,Adv.

Mr. D. Bharat Kumar,Adv.

Mr. Sayooj Mohandas M.,Adv.

For Mr. Abhijit Sengupta,Adv.

Mr. Vatsal Shah,Adv.

Mr. S. Aravindh,Adv.

For Mr. Senthil Jagadeesan,Adv.

Mr. B. Subrahmanya Prasad,Adv.

Mr. Suresh Dutt Dobhal,Adv.

Mr. Subramonium Prasad,Adv.

Mr. V.N. Raghupathy,Adv.

Mr. Rajeev K. Pandey,Adv.

For Mr. Rajeev Maheshwaranand Roy,Adv.

Mr. Nirnimesh Dube,Adv.

Mr. Pravin Satale,Adv.

For Mr. Rajiv Shankar Dwivedi,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.(Not present)

Mr. Sanjay Kharde,Adv.

For Mr. Amol Nirmalkumar Suryawanshi,Adv.

Ms. Hemantika Wahi,Adv.

Mr. S.N. Bhat,Adv.

Ms. Anuradha Mutatkar,Adv.

Mr. Sudhanshu S. Choudhari,Adv.

Mr. Avijit Saxena,Adv.

For M/s. Karanjawala & Co.,Advs.

Mr. M.P. Vinod,Adv.

Ms. Neelam S.,Adv.

Mr. Dileep Pillai,Adv.

Mr. Atul,Adv.

Mr. Rajesh Mahale,Adv.

20

Mr. Parvesh Thakur,Adv.

Ms. Gargi Khanna,Adv.

Ms. Anil Katiyar,Adv.

Mr. Manish Pitale,Adv.

Mr. Wasi Haider,Adv.

For C.S. Ashri,Adv.

Mr. Chinmoy Khaladkar,Adv.

Ms. Neha Sharma,Adv.

For Mr. Deeptakirti Verma,Adv.

Mr. R.K. Verma,Adv.

Mr. T.N. Razdan,Adv.

Mr. Sonal Jain,Adv.

Mr. Rajiv M. Brahma,Adv.

Mr. Sachin Patil,Adv.
For Mr. Shriram P. Pingle,Adv.

Mr. Lalit Bhasin,Adv.
Ms. Nina Gupta,Adv.
Mr. Mudit Sharma,Adv.
Mr. Parvez A. Khan,Adv.
For Mr. P.V. Yogeswarn,Adv.

Mr. Rishi Maheshwari,Adv.
Ms. Anne Mathew,Adv.
Mr. Raj Kumar Kaushik,Adv.
For Mr. P.S. Sudheer,Adv.

Mr. Anil Nag,Adv.

Mr. Gaurav Sharma,Adv.

Ms. A. Sumathi,Adv.

Mr. Ashok K. Mahajan,Adv.

Mr. K. Rajeev,Adv .

Mr. Mohit Kumar Shah,Adv.

M/s. Dua Associates,Advs.

Ms. Bharati Tyagi,Adv.

Mr. Anil Kumar Sangal,Adv.

21

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

SLP(C)No.21260 of 2011, WP(C)Nos.48 and 461 of 2012,
SLP(C)Nos. 18732-18733/12, WP(C)Nos.37, 51, 52 and 58 of
2013, SLP(C)No.15507 of 2013 and Cont.Pet.(C)No.320/13 in
SLP(C)No.15507/13, WP(C) Nos.922 of 2013, WP(C)Nos.120, 208
and 1020 of 2014 :

List the matters on 10th March, 2015 at 10.30 a.m.

CA Nos.5674, 5675, 5681, 5682, 5683, 5684 of 2009,
WP(C)No.318/10, CA Nos.1468, 4391, 7410 of 2010,
SLP(C)Nos.24309, 29859 of 2010, WP(C)Nos.220, 293, 306,
308, 338, 375 and 411 of 2011, SLP(C)Nos.7295-7298,
22304-22305 and 24479-24480 of 2011, WP(C)Nos.5, 97, 103,
122, 199, 250, 291, 386, 460, 487, 537, 554 of 2012,
SLP(C)Nos.24276, 30568 of 2012, WP(C)Nos.7, 36, 111, 112,
138, 146, 151, 175, 179, 181, 191, 192, 201, 233, 236,
238, 248, 250, 253, 264, 265, 266, 270, 271, 279, 280,
284 of 2013, WP(C)Nos.353, 452, 469, 588, 753, 758, 761,
762, 800, 819, 868, 1037, 1043, 1044, 1045 of 2013,
SLP(C)Nos.12916, 15634-15635, 25126, 35137 of 2013, WP(C)
Nos.5, 10, 33, 40, 352, 408, 420, 712, 714, 754, 756 of
2014, SLP(C)No.....CC 7586/2014, WP(C)No.795, 849,
838, 827 of 2014, SLP(C)No.32589/2014 and WP(C)No.
26/2015 :

Heard the learned counsel.

The ad-interim relief, granted earlier is modified

to the effect that the petitioner(s)/appellant(s) shall
pay 25% of the amount payable as on 01.01.2015 as
calculated by the respondent-Bank or the assignee of the
debt, who has been impleaded as party-respondent, within
six weeks from today and further 25% of the amount within
22
six weeks thereafter.

If the amount is not paid, as directed hereinabove,
the order with regard to interim relief, shall stand
vacated.

I.As. stand disposed of.

The pendency of these appeals/petitions would not
prevent the creditor-Bank from taking any other
appropriate action in accordance with law and it would
also be open to the borrower and the respondent Bank to
arrive at any other understanding/settlement in respect
of the amount payable by the petitioner(s)/appellant(s)
List on 10th March, 2015.

SLP(C)Nos.25929 and 25930 of 2009 :

List on 10th March, 2015, at 10.30 a.m.

It has been submitted that the proceedings are
pending before the arbitrator. The stage at which the
proceedings are pending shall be notified to this Court
on the next date of hearing.

WP(C)No.41/2011 :

Heard the learned counsel.

Ad-interim relief, granted earlier is modified to
the effect that the petitioner(s) shall pay 25% of the
amount payable as on 01.01.2015 as calculated by the
respondent-Bank or the assignee of the debt, who has been

23
impleaded as party-respondent, within six weeks from

today and further 25% of the amount within six weeks thereafter.

If the amount is not paid as directed hereinabove, the order with regard to interim relief, shall stand vacated.

I.A. stands disposed of.

It has been further submitted by the learned counsel for the petitioner(s) that they are making an effort to settle the dispute with the Bank amicably.

If it is so, it would be open to the parties to settle the dispute out of the Court and file necessary documents in this respect on the next date.

The pendency of these petitions would not prevent the borrower-Bank from taking any other appropriate action in accordance with law and it would also be open to the borrower and the respondent Bank to arrive at any other understanding/settlement in respect of the amount payable by the petitioner(s).

List the matter on 10th March, 2015.

W.P.(C)No.367/2011 :

Heard the learned counsel.

The ad-interim relief, granted earlier is modified to the effect that the petitioner(s) shall pay 25% of the amount payable as on 01.01.2015 as calculated by the respondent-Bank or the assignee of the debt, who has been

impleaded²⁴ as party-respondent, within six weeks from today and further 25% of the amount within six weeks thereafter.

If the amount is not paid, as directed hereinabove, the order with regard to interim relief, shall stand vacated.

I.A. stands disposed of.

The pendency of these appeals/petitions would not

prevent the creditor-Bank from taking any other appropriate action in accordance with law and it would also be open to the borrower and the respondent Bank to arrive at any other understanding/settlement in respect of the amount payable by the petitioner(s)/appellant(s)

List the matter on 10th March, 2015.

The original petitioner shall file reply within two weeks from today.

C.A.No.2440/2011 :

It has been submitted by the learned counsel for the petitioner(s) that out of the seven creditors, six creditors have been paid in full and so far as the remaining one is concerned, a settlement has also been arrived at, therefore this petition might not survive.

The learned counsel for the petitioner(s) prays for some time to take instruction in this regard.

List the matter on 10th March, 2015, at 10.30 a.m.

25

I.A.No. 1 in W.P.(C) No. 877/2013 :

This application had been notified for hearing on 24.04.2014 and the following order was passed :-

"It has been brought to our notice that even prior to the filing of the present writ petition, the respondent Bank had entered into consent terms with M/s Manav Drugs Pvt. Ltd. And M/s Mac Pharma on 25th August, 2011. Under these consent terms, the applicants i.e. the borrowers had agreed to pay a sum of Rs. 7 crores towards full and final settlement of the Securitization Application (S.A.). Upon those consent terms, the Presiding Officer, Debts Recovery Tribunal-III, Mumbai has passed the following order :-

"The parties have agreed for the consent terms and the S.A. is disposed of as per the consent terms. If the applicants fail to pay the amount Respondent Bank can sell the secured assets as per consent terms. The parties

shall abide by the conditions imposed in the terms and conditions of the consent terms. I pass no order as to costs."

In view of the above, in our opinion, no useful purpose will be served by continuing the stay order granted on 30th September, 2013. The aforesaid stay order is hereby vacated. I.A.No. 1 (Application for interim orders/directions) in which the stay order has been granted is hereby dismissed.

However, it is made clear that vacation of the aforesaid stay order shall not be taken into consideration at the time of the decision on S.A. or any other proceedings.

Let the main Writ Petition No. 877 of 2013 be come up for hearing with the other matters.

Tag with Writ Petition (Civil) No. 252 of 2011."

26

The above order shows that I.A.No. 1 of 2013 had been dismissed on 24.04.2014. It appears that due to some mistake, I.A.No. 1, though it had been dismissed on 24.04.2014, had been notified for hearing on 04.02.2015. It appears that the dismissal of the application was not brought to the notice of this Court and, therefore, this Court passed the following order :-

"Heard the learned counsel for the petitioner. None appears for the respondents.

Ad-interim relief, granted on 30.9.2013, is modified to the effect that the petitioner shall pay 25% of the amount payable as on 01.01.2015 as calculated by the respondent-Bank or the assignee of the debt within six weeks from today and further 25% of the amount within one month thereafter.

With the aforesaid modification, the interim relief granted earlier shall continue.

List on 18.02.2015 at 10.30 a.m.

Intimation of this order be sent by the Registry to the respondents.

All the afore-stated matters will be heard along with the applications on 18.02.2015 at 10.0 a.m. for the whole day."

As I.A.No. 1 had already been dismissed on 24.04.2014, no orders could have been passed on 04.02.2015 and the order which had been passed on 04.02.2015 in I.A.No. 1 is due to some inadvertence and the said order is hereby recalled.

List the matter on 10th March, 2015.

W.P.No.1007/13 :

The learned counsel appearing for the petitioners has submitted that the petitioners are ready and willing to get their mortgaged property sold in consultation with

27

the Bank by way of private negotiations. He seeks time for this purpose.

List the matter on 10th March, 2015, at 10.30 a.m.

Intimation be sent to the bank by the Registry.

SLP(C)No.13100/2013 :

The learned counsel for the petitioner would like to know the stage at which the Writ Petition No.867/2013 is pending in the High Court.

List the matter on 10th March, 2015, at 10.30 a.m., so as to enable the learned counsel for the petitioner to know the progress in the matter.

W.P.(C)No.142/2014 :

It has been submitted by the learned counsel for the petitioner that during the pendency of this petition the dispute had been referred to an Arbitrator and the Arbitrator has already passed an Award and Decree has also been made.

The learned counsel for the petitioner wants to ascertain the correctness of this averment and seeks time to place on record the relevant documents.

He is permitted to do so.

List the matter on 10th March, 2015 at 10.30 a.m.

W.P.(C)Nos.168 and 169 of 2014 :

The learned counsel appearing for the petitioners

28

has submitted that the property which had been mortgaged in favour of the creditors can be sold and the sale proceeds can be paid to the Bank. For this purpose he

www.ecourtsindia.com
would like to take instruction from his clients .

In view of this, list the matter on 10th March,
2015, at 10.30 a.m.

W.P.(C)No.417/2014 :

www.ecourtsindia.com
The learned counsel for the petitioner has submitted
that during the pendency of this petition, the parties to
the litigation have settled the matter out of the Court
and he would like to take instruction for withdrawal of
this petition.

In view of this, list the matter on 10th March,
2015, at 10.30 a.m.

W.P.(C)No.421/2014 :

List on 10th March, 2015 at 10.30 a.m.

Reply, if any, to the I.A. be filed on or before 6 th
March, 2015.

W.P.(C)No.492/2014 :

Heard the learned counsel.

No further proceeding shall be initiated against the
petitioner(s) under the provisions of The Securitization
and Reconstruction of Financial Assets and Enforcement of

29
Security Interest Act, 2002 (SARFAESI Act), provided the
petitioner(s) pays/pay 25% of the amount payable as on
01.01.2015, as calculated by the respondent-Bank, within
six weeks from today and further 25% of the amount
payable as on 1st January, 2015 within six weeks
thereafter.

If the amount is not paid, as directed hereinabove,
the order with regard to interim relief shall stand
vacated.

I.A. stands disposed of.

List the matter on 10th March, 2015.

W.P.(C)No.779/2014 :

List on 10th March, 2015 at 10.30 a.m.

Reply, if any, to the I.A. be filed on or before 6th March, 2015.

W.P.(C)No.929/2014 :

The learned counsel for the respondents has submitted that there is a gross delay in filing the petition.

List on 10th March, 2015 at 10.30 a.m., for further hearing.

W.P.(C)No.79 of 2015 :

Heard the learned counsel for the petitioner.

30

Issue notice, returnable on 10th March, 2015.

Mr. Vinay Navare, learned counsel, accepts notice on behalf of Respondent No. 2.

Notice be also issued through the standing counsel for the State.

Ad-interim relief, granted earlier is modified to the effect that the petitioner(s) shall pay 25% of the amount payable as on 01.01.2015 as calculated by the respondent-Bank or the assignee of the debt, who has been impleaded as party-respondent, within six weeks from today and further 25% of the amount within six weeks thereafter.

If the amount is not paid as directed hereinabove, the order with regard to interim relief, shall stand vacated.

I.A. stands disposed of.

The pendency of the petition would not prevent the

borrower-Bank from taking any other appropriate action in accordance with law and it would also be open to the borrower and the respondent Bank to arrive at any other understanding/settlement in respect of the amount payable by the petitioner(s).

It has been further submitted by the learned counsel for the petitioner(s) that they are making an effort to settle the dispute with the Bank amicably.

If it is so, it would be open to the parties to settle the dispute out of the Court and file necessary

31
documents in this respect on the next date.

With the aforesaid modification, the interim relief granted earlier shall continue.

List the matter on 10th March, 2015.

SLP(C)Nos.17054, 18775, 18777, 29720 and 29721 of 2013 :

List the matters on 10th March, 2015.

W.P.(C)Nos.40, 269, 378, 484, 529, 531 of 2011, 123, 248, 249, 369, 371, 490, 521 of 2012, 6 of 2013, 240 of 2014 :

The writ petitions are disposed of as withdrawn in terms of the signed order.

W.P.(C)No.272 of 2014 :

The writ petition is disposed of as having become infructuous in terms of the signed order.

W.P.(C)No.293/2012 :

The writ petition is disposed of as withdrawn in terms of the signed Non-reportable Judgment.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

(Signed order in W.P.(C)Nos.40, 269, 378, 484, 529, 531 of 2011 123, 248, 249, 369, 371, 490, 521 of 2012, 6 of 2013, 240 & 272 of 2014 and a Non-reportable Judgment in WP(C)No.293/2012 is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NOS.293 OF 2012

M/s. Thi Pack Pvt. Ltd.

...Petitioners

VS.

Union of India & Ors.

...Respondents

J U D G M E N T

ANIL R. DAVE, J.

1. The learned counsel for the petitioner seeks permission to withdraw this petition so as to file a fresh petition in view of the subsequent development in the matter.

2. Permission is granted.

3. The petition is disposed of as withdrawn.

4. Rule also stands discharged.

5. The ad-interim relief, if any, granted earlier shall continue for four weeks from today.

33

6. If there is any proposal from the petitioner for settlement, we are sure that this order will not come in the way of the parties to settle the matter.

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

.....J.
[KURIAN JOSEPH]

New Delhi;
18th February, 2015.

