

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

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 22304-22305, 21260 & 24479-24480 OF 2011 WITH PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTARY APPLICATION NO. 3

(Application for modification of Court's order dated 16.09.2011 in SLP (C) No. 21260/2011)

NAKIBHAJI ARIF NOORANI ETC.

...PETITIONERS

-VERSUS-

UNION OF INDIA & ORS. ETC.

...RESPONDENTS

OFFICE REPORT

SLP (C) Nos. 22304-22305 of 2011

The matters above-mentioned were listed before the Hon'ble Court on 05th August, 2011, when the Court was pleased to pass the following order:-

“Delay condoned.

Issue notice.

Tag with C.A. No. 5680 of 2009.

In the meantime, the parties are directed to maintain status quo with regard to the properties in question.”

It is submitted for information of the Hon'ble Court that there are three Respondents in this matter. Show cause notice was issued to all the three Respondents by registered A.D. post. Neither A.D. cards nor unserved covers have been received back. Service is incomplete on all the three Respondents and the Counsel for the Petitioner has not taken appropriate steps to complete the service.

SLP (C) No. 21260 of 2011

The matter above-mentioned was listed before the Hon'ble Court on 16th September, 2011, when the Court was pleased to pass the following order:-

“Issue notice and tag with C.A. No.5680 of 2009.

In the meantime, the respondent-Banks shall not proceed under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as far as the properties of the petitioner are concerned. ”

It is submitted for information of the Hon'ble Court that there are two Respondents in this matter. Mr. A. P. Medh, Advocate has entered appearance on behalf of Respondent No. 1 and filed Counter Affidavit which has been included in the paper books. Ms. Sushma Suri, Advocate has entered appearance on behalf of Respondent No. 2 but not filed Counter

Affidavit so far

Service of notice is complete.

Thereafter, the I.A. No. 3 (application for modification of Court's order) in the matter above-mentioned was listed before the Hon'ble Court on 22nd July, 2013, when the Court was pleased to pass the following order:-

“List this special leave petition and Interlocutory Application No. 3 of 2012 with Civil Appeal No. 5680 of 2009 and connected matters.”

Thereafter, the I.A. No. 3 (Application for modification of Court's Order) in the matter above-mentioned alongwith connected matters was listed before the Hon'ble Court on 28th April, 2014, when the Court was pleased to pass the following Order :-

“I.A. NO.2 IN W.P.(C) NO. 91 OF 2013

Learned counsel for the petitioner prays for leave to withdraw the Writ Petition with liberty to file the Special Leave Petition. The prayer is accepted. The Writ Petition is, accordingly, dismissed as withdrawn with liberty to file the Special Leave Petition.

I.A. NOS.4 AND 5 IN W.P.(C) NO.367 OF 2011

I.A. NO.5

By Order dated 29th April, 2013, the petitioners were directed to pay the monthly instalment of Rs.25 lacs to clear the admitted liability of Rs.2 Crores. We are informed that the petitioners have not, even today, deposited the aforesaid amount in full. The petitioner pleads that because of economic constraints he is not able to pay Rs.25 lacs per month, as directed.

In view of the above, the interim relief granted on 29th April, 2013 is hereby vacated. I.A. No. 5 is, accordingly, disposed of.

I.A. No.4

In view of the orders passed in I.A. No.5, no orders are required to be passed in this application.

Rest of the matters are adjourned to 6th August, 2014.“

SLP (C) Nos. 24479-24480 of 2011

The matters above-mentioned were listed before the Hon'ble Court on 10th September, 2011, when the Court was pleased to pass the following order:-

“Issue notice and tag with C.A. No. 5860 of 2009.

Let notice also issue on I.A. Nos. 3-4 of 2011, returnable four weeks hence.

In the meantime, the respondent-Bank shall not proceed under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as far as the properties of the petitioners are concerned.”

Thereafter, the I.A. Nos. 3 & 4 in the matters above-mentioned were listed before the Hon'ble Court on 02nd August, 2013, when the Court was pleased to pass the following Order

:- “Interlocutory Application Nos. 3-4 of 2011 are rejected.” ...3/-

It is submitted that there are three Respondents in the matters above-mentioned. Ms. Sushma Suri and Mr. P. S. Sudheer, Advocates have entered appearance on behalf of Respondent Nos. 1 and 2-3 respectively. Mr. P. S. Sudheer, Advocate has filed Counter Affidavit on behalf of Respondent Nos. 2 and 3 which has already been included in the paper books.

Service of notice is complete.

The matters above-mentioned are listed before the Hon'ble Court with this report.

Dated this the 01st day of September, 2014.

ASSISTANT REGISTRAR

Copy to:

Mr. Nikhil Goel, Advocate.

Mr. A. P. Medh, Advocate.

Ms. Sushma Suri, Advocate.

Mr. P. S. Sudheer, Advocate.

ASSISTANT REGISTRAR

ap