

ITEM NO.3

COURT NO.7

SECTION X

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

Writ Petition(s)(Civil) No(s). 188/2004

M/S. RAIGANJ CONSUMER FORUM

Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

Respondent(s)

WITH

T.C.(C) No. 19/2005 (XVI-A)

T.C.(C) No. 24/2005 (XVI-A)

T.C.(C) No. 23/2005 (XVI-A)

T.C.(C) No. 2/2004 (XVI-A)

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T.C.(C) No. 227/2003 (XVI-A)

T.C.(C) No. 82/2003 (XVI-A)

T.C.(C) No. 154/2003 (XVI-A)

MA 151/2018 in T.P.(C) No. 2/2004 (XVI-A)

FOR CLARIFICATION/DIRECTION ON IA 8286/2018
FOR CLARIFICATION/DIRECTION ON IA 64633/2018
FOR CLARIFICATION/DIRECTION ON IA 64649/2018)

Date : 27.11.2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE VINEET SARAN

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Mr. Keshav Mohan, Adv.
 Mr. Smarhar Singh, Adv.
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Mr. Subhasish Bhowmick, Adv.
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Mr. D. N. Goburdhan, AOR

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Mr. Hitesh Kumar Sharma, Adv.

Mr. Kusum Chaudhary, AOR

Mr. Sanjeev Sen, Sr. Adv.

Mr. M. C. Dhingra, AOR

Mr. Gaurav Dhingra, Adv.

Mr. Harpal Singh Saini, Adv.

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Mr. Jatinder Kumar Bhatia, AOR
Mr. Ashutosh Kumar Sharma, Adv.

Mr. Rana Ranjit Singh, AOR

Mr. Arun Kumar Beriwal, AOR

Mr. Sudhir Kumar Gupta, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Heard learned counsel for the parties.
2. The valuation team has filed the affidavit in the form of First Interim Progress Report of valuation of the properties pursuant to the order dated 30th July, 2018 passed by this Court. It appears from the perusal of the Report that substantial progress has not been done so far with respect to the properties that stand already identified. We request the Valuation Team to make the valuation of the property which has already been identified in Part A as early as possible. It was stated by learned counsel appearing on behalf of the Committee appointed by this Court that there are 23 identified properties which can be valued.
3. The learned counsel appearing on behalf of the State of Uttarakhand has pointed out that the basis taken for valuation of certain property was not correct, consequently value determined by

the Valuation Team is not correct and is on lower side. Shri Radhakrishnan, learned senior counsel appearing for the Valuation Team agreed that the suggestions and material may be filed before the Valuation Team and they will be considered and looked into by the Valuation Team for making the proper valuation and correcting the one already made. It is also submitted that as and when Valuation Team is valuing any property, they may associate Collector of the concerned District also, as offered by the learned counsel appearing for the State of Uttarakhand and to this there is no objection raised by Shri Radhakrishnan. Let Collector be associated to help Valuation Team for arriving at a proper valuation.

4. It was also submitted by Shri Radhakrishnan, senior counsel on behalf of the Valuation Team that certain information is required with respect to the unidentified property due to which the hindrance is being caused in the valuation. The learned counsel appearing on behalf of Committee has assured us full cooperation and whatever information may be required by Valuation Team it may be directly solicited from the Committee appointed by this Court. Learned counsel appearing on behalf of the Committee assured this Court that Committee shall supply the requisite information to the valuation team within fifteen days from today. In future also they are free to

exchange the information inter se and no court order is required in this regard. Let valuation be made of identified properties and report be submitted within a period of three months.

5. Let copy of IA No.141055 of 2018 be furnished to the State of Uttarakhand. Reply to the IA, if any, be filed within three weeks.

IA Nos. 154673 of 2018 & 148036/2018 :

6. Prayer has been made by the Committee to keep open portals for inviting the application from the investors, they are free to do so. However non-filing of fresh application or particulars shall not come in the way of the Committee to distribute the amount to investors. In the cases of investors where bank particulars had already been furnished, payment be made on available data. In case information has not been furnished nor application filed by the investors, we direct that let amount be paid by account payee cheque to investors on the available address. Let the amount be remitted to the investors if bank transfer is not possible. Even if any person applies after the cut-off date, the Committee and agency appointed shall honour their claim and make the requisite payment. Let the order of distribution be complied with. We request the Chairman of the Committee to ensure that the order of distribution of money is complied with in pith and substance and there is no violation in any manner whatsoever by any agency/person.

List in the last week of February 2019.

(NEELAM GULATI)
COURT MASTER (SH)

(JAGDISH CHANDER)
BRANCH OFFICER