

ITEM NO.6

COURT NO.8

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)

([ONLY I.A. NOS.141055, 141059, 167937, 87335, 167941 OF 2018 AND 80958,143211 OF 2021 IN T.C.(C) NO.2 OF 2004, I.A. NOS.75467, 112751 OF2020 AND 33106 OF 2019 IN W.P.(C) NO.188 OF 2004 AND C.A. NOS.3134-43137 OF 2017 ON 14.02.2023.I.A. Nos.145178/2019 and 131614/2020 and I.A. No.42747 of 2021in T.C. (C) No.2/2004 and Contempt Petition No.942 of 2021 inT.C.(C) No.2/2004
IA No. 112751/2020 - APPLICATION FOR PERMISSION
IA No. 33106/2019 - APPLICATION FOR PERMISSION
IA No. 75467/2020 - APPROPRIATE ORDERS/DIRECTIONS)

WITH

T.C.(C) No. 2/2004 (XVI-A)
(IA No. 80258/2020 - APPLICATION FOR PERMISSION
IA No. 42747/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 80260/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 62749/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 79102/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 147187/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 80264/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 147185/2021 - EXEMPTION FROM FILING O.T.
IA No. 147188/2021 - EXEMPTION FROM FILING O.T.
IA No. 147184/2021 - INTERVENTION APPLICATION
IA No. 158706/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 3134-3137/2016 (IV)

CONMT.PET.(C) No. 942/2021 in T.C.(C) No. 2/2004 (XVI-A)
(FOR ADMISSION)

Date : 25-04-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANJAY KAROL

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Mr. Ashutosh Kumar Sharma, Adv.

Mr. Subhasish Bhowmick, AOR

Mrs. Tanuj Bagga Sharma, AOR
Dr. M.k Ravi, Adv.
Mr. Sanjay Bhasin, Adv.

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

I.A. No. 204428 of 2022 in I.A. No. 56711 of 2022 in T.C.(C) No.2 of 2004

1. By way of this application, the applicant seeks the following

prayer:

"a. The order dated 15.09.2022 and 15.11.2022 passed by this Committee (Annexure A-6 and A-7) may please be confirmed."

2. This application is allowed in terms of the prayer clause (a).

I.A. Nos. 174449 and 42747 of 2022 in T.C.(C) No.2 of 2004

These applications are disposed of as not pressed.

I.A. No. 47993 of 2023 in W.P.(C) No. 188 of 2004

1. This court, vide order dated 24.01.2023 had directed the Income Tax Authorities to make a valuation of all the properties which could be auctioned. We had granted four weeks' time to do so.

2. By way of present application, the Income Tax Authorities have placed on record the difficulties in completing the exercise within such a short period of time and they have prayed for extension of time by seven months.

3. Mr. Sanjay Jain, learned Additional Solicitor General, fairly, states that the period till 31.08.2023 would be sufficient to complete the exercise.

4. We, therefore, extend the period for completing the valuation till 31.08.2023.

5. This application is disposed of accordingly.

I.A. No. 44362 of 2023 in T.C.(C) No.2 of 2004

1. These are the applications filed by one Mr. Nikhil Syal who claims to be the largest shareholder in the respondent No.1-

company.

2. The applicant claims to be the legal heir of his grand father, father and mother who were promoters of the Company.

3. Ms. Meenakshi Arora, learned Senior Counsel appearing on behalf of the applicant, submits that it will be in the interest of all the stake holders that the best price is achieved for the properties.

4. It is, therefore, submitted that the applicant should be permitted to do an independent valuation of the properties and also be permitted to bring in a good buyer, who is willing to purchase the properties at such a valuation.

5. We see no impediment in allowing the same, if the applicant, at his own expenses, desires to do the valuation of the properties and get a buyer who is willing to pay for the properties at such a valuation as it will be in the interest of all the stake holders.

6. In any case, as observed earlier, in our view, the best mode of sale would be by public auction.

7. However, getting an independent valuation would not come in the way of such a procedure.

8. We, therefore, partly allow the application.

9. The applicant is permitted to do an independent valuation of the properties and also furnish the details about the buyer who would be willing to purchase the said properties.

10. Learned counsel for the Committee is requested to furnish the list of all the properties which has also been furnished to the Income Tax Department for valuation purposes, to the applicant.

I.A. Nos. 87335 and 167941 in TC(C) No. 2 of 2004, I.A. Nos. 62731 and 62733 of 2019, 27236 and 77270 of 2021 and 75467 of 2020 in W.P.(C) No. 188 of 2004 and IA No. 33106 of 2019 and IA No. 112751 of 2020 in W.P.(C) No. 188 of 2004 and C.A. No. 3134-3137 of 2016

As prayed, list these applications/matters on 12.07.2023.

Rest of the applications/matters

List all these application/ matters on 26.09.2023.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)