

IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Civil Revision No. 5 of 2000.

I.D.B.I. Petitioner/Appellant

Versus

ITC Ltd. & Ors. Respondent

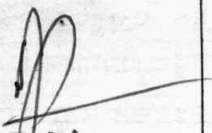
Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	19-4-2000	<p>Present: Mr. S.P. Wangdi, Sr. Advocate with Mr. Karma Thinlay, Asstt. Govt. Advocate for the petitioner.</p> <p>Mr. A.K. Upadhyaya, Advocate for respondent No.1.</p> <p>Mr. K.T. Bhutia, Advocate for respondent Nos.3 and 4.</p> <p style="text-align: center;">---</p> <p>Heard. Admit.</p> <p>Issue notice upon the respondents.</p> <p>Mr. A.K. Upadhyaya accepts notice on behalf of respondent No.1. Mr. K.T. Bhutia accepts notice on behalf of respondent Nos. 3 and 4.</p> <p>Mr. Upadhyaya and Mr. K.T. Bhutia undertake to file Vakalatnama in the meantime.</p> <p>Requisites be filed by tomorrow.</p> <p>The petitioner shall also make arrangement to serve notice upon the respondents by special messenger and affidavit of service shall be filed by the petitioner within a week. A notice be also published in two National Newspapers in Hindi and English languages having wide circulation in Sikkim and West Bengal. The petitioner shall take out notices from the Registry and get it published.</p>	<p>Office Note as to action (if any) taken on Order</p> <p><i>Add. 9. repdt. no 2 has given by K.T. Bhutia, Asstt. Govt. Ado. and notice 9- Sp messenger & publication. has given to the Asstt. Govt. Ado. for need. ful action on 20-4-2000</i></p> <p><i>20/4/2000</i></p> <p><i>Notice issued to Sh. B. Sharma. Ado. on 21-4-2000</i></p> <p><i>Wangdi</i></p>


[Handwritten Signature]

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p>The petitioner shall prepare the Paper Book and submit the same in the Court on or before 2-5-2000.</p> <p>The learned District Judge, Special Division is directed to hand over certified copies of the entire records within five days to the parties from the date of submission of application for certified copies. The learned District Judge, Special Division shall also be informed by the concerned parties as soon as application for certified copies are filed.</p> <p>Send back the record of lower Court forthwith. The learned District Judge, Special Division shall send the record of the case on 15-5-2000.</p> <p>List it on 17-5-2000 for hearing and disposal before the Division Bench along with Civil Revision No.4 of 2000. In case, the Division Bench cannot be constituted on 17-5-2000, the matter be heard and disposed by the Single Bench available on 17-5-2000. Place a copy of this order in the file of Civil Revision No.4 of 2000.</p> <p><u>CMA No.101/2000.</u></p> <p>Issue notice of this application upon the respondents. Mr. A.K. Upadhyaya</p>	

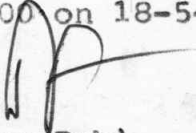
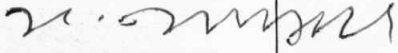

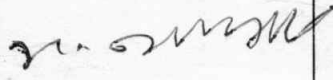
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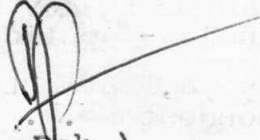
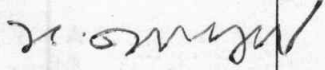
Civil Revision No.5/2000.

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p>accepts notice on behalf of respondent No.1. Mr. K.T. Bhutia accepts notice on behalf of respondent Nos.3 and 4. Mr. Upadhyaya and Mr. K.T. Bhutia undertake to file Vakalatnama in the meantime.</p> <p>Prayer for stay is refused at this stage. However, liberty is given to the petitioner to move the stay application on 8-5-2000 if so advised. Liberty is also given to the petitioner to move the Executing Court for appropriate remedy and if the petitioner is aggrieved by the order of the Executing Court, he may seek proper remedy as available under law.</p> <p>This order shall not be construed as an expression of opinion of this Court. While passing any order, the learned Executing Court shall act independently and pass appropriate orders in accordance with law.</p> <p>List it on 17-5-2000.</p> <p style="text-align: right;">  (Anup Deb) <u>Judge.</u> </p>	

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2. 4.	5.2000	<p>Present : Mr. S. P. Wangdi, Senior Advocate with Mr. Karma Thinlay, Advocate for the petitioner.</p> <p>Mr. A. Moulik, Advocate for the State Bank of India - applicant.</p> <p>Mr. A. K. Upadhyaya, Advocate for ITC Ltd. - respondent No.1.</p> <p>Mr. B. Sharma, Advocate for Sikkim Vanaspati Ltd. - respondent No.2.</p> <p>Mr. K. T. Bhutia, Advocate for respondent Nos. 3 and 4.</p> <p style="text-align: center;">---</p> <p><u>CMA No.116/2000</u></p> <p>Mr. S. P. Wangdi, learned Senior Advocate fairly concedes that the State Bank of India, the applicant should be added as respondent No.5 being a necessary party and Mr. Upadhyaya, Mr. B. Sharma and Mr. K.T. Bhutia leave the matter to the discretion of the Court. The State Bank of India be added as respondent No.5 subject to the objections that may be taken by the respondents at the time of hearing.</p> <p>It is made clear that the copy of the Revision Petition and other proceedings will have to be prepared by the respondent No. 5 at its cost. It is once again made clear that adjournment shall not be given to any of the parties on the ground that this applicant has been added at a late stage.</p> <p>CMA stands disposed of. <i>with the main case</i> List it on 17.5.2000 before the Division Bench.</p> <p style="text-align: center;">  (A. Deb) Judge <u>4/5/2000</u> </p>	<p><i>Synopsis filed by the petitioner</i></p>

Civil Revision No.5/2000.

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3.	17-5-2000	<p>Present: Mr. S.P. Wangdi, Senior Advocate with Mr. Karma Thinlay, Advocate for the petitioner.</p> <p>Mr. A. Moulik, Advocate for the State Bank of India - applicant.</p> <p>Mr. A.K. Upadhyaya, Advocate for ITC Ltd. - respondent No.1.</p> <p>Mr. B. Sharma, Advocate for Sikkim Vanaspati Ltd. - respondent No.2.</p> <p>Mr. K.T. Bhutia, Advocate for respondent Nos.3 and 4.</p> <p>---</p> <p>Put up along with Civil Revision No.4/2000 on 18-5-2000 for further hearing.</p> <p> (Anup Deb) Judge.</p> <p> (R. Dayal) Chief Justice.</p>	
4.	18.5.2000	<p>Present : Mr. S. P. Wangdi, Senior Advocate with Mr. Karma Thinlay, Advocate for the petitioner.</p> <p>Mr. A. Moulik, Advocate for the State Bank of India - applicant.</p> <p>Mr. A. K. Upadhyaya, Advocate for ITC Ltd. - respondent No.1.</p> <p>Mr. B. Sharma, Advocate for Sikkim Vanaspati Ltd. - respondent No.2.</p> <p>Mr. K. T. Bhutia, Advocate for respondent Nos. 3 and 4.</p> <p>----</p> <p>Put up along with Civil Revision No.4/2000 on 29.5.2000 for further hearing.</p> <p> (A. Deb) Judge <u>18/5/2000</u></p> <p> (R. Dayal) Chief Justice <u>18/5/2000</u></p>	<p>Synopsis filed by the petitioner <i>Dayal</i></p> <p>Synopsis filed by respondent No 4 <i>Dayal</i> 26.5.2000</p>

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5. 29.	5.2000	<p>Present : Mr. S. P. Wangdi, Senior Advocate with Mr. A. K. Dhandhanian and Mr. Karma Thinlay, Advocates for the petitioner.</p> <p>Mr. A. Moulik, Advocate for the State Bank of India - applicant.</p> <p>Mr. A. K. Upadhyaya, Advocate for ITC Ltd. - respondent No.1.</p> <p>Mr. B. Sharma, Advocate for Sikkim Vanaspati Ltd. - respondent No.2.</p> <p>Mr. Ashoke Kumar Bannerjee, Senior Advocate with Mr. Karma T. Bhutia and Mr. Subir Kumar Saha, Advocates for respondent Nos. 3 and 4.</p> <p style="text-align: center;">---</p> <p>In view of the Orders passed by us in FAO No.4/2000 I.T.C.Ltd. versus SIDICO and Others, this Revision has become infructuous. However, it is made clear that this Order shall not prejudice either of the parties with respect to their rights and contentions.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  (A. Deb) Judge. <u>29/5/2000</u> </div> <div style="text-align: center;">  (R. Dayal) Chief Justice <u>29/5/2000</u> </div> </div>	