

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION NOS.662-663 OF 2017

IN

SPECIAL LEAVE PETITION (CIVIL) NOS.24161-24162 OF 2016

The Authorized Officer, The Kolhapur  
Urban Co-op. Bank Ltd., Kolhapur

Petitioner(s)

Versus

Sunil Sudhakar Khot

Respondent(s)

O R D E R

Having heard Mr. Vinay Navare, learned counsel for the petitioner and Ms. Madhavi Divan, learned counsel for the respondent-contemnor, who is personally present, it is directed that the possession of five galas of the property shall be handed over to the Bank within three weeks hence and, thereafter, the bank shall proceed to put them to auction. The upset price shall not be less than 80,00,000/- (Rupees eighty lakhs only). The auction shall be held after giving due publicity in the presence of at least one of the contemnors. If the contemnors will not remain present after receiving notice, the auction shall proceed in accordance with law. The amount received in auction shall be adjusted towards the loan amount of the respondents. Anyone in possession of five galas of the property, shall not create any obstruction in taking over of possession by the Bank.

After the amount is recovered by the Bank, liberty is granted to the respondents to file an application for

restoration of the writ petition before the High Court. To entertain the restoration application, the respondent-contemnor shall deposit a sum of Rs.25,00,000/- (Rupees twenty-five lakhs only) before the Registry of the High Court. If Rs.25,00,000/- is not deposited before the High Court, application for restoration by the respondents shall not be entertained by the High Court. We request the High Court to finalize the application for restoration as expeditiously as possible.

The High Court shall treat the amount received by the Bank as a pre-condition and restore the writ petition and proceed to adjudicate the matter. Be it clarified, the amount realised in the auction is distinct from the direction for deposit.

If the High Court decides any jurisdictional aspect in favour of the respondents, there shall not be any refund of the amount by the Bank and it shall be adjusted towards the loan.

The contempt petitions are, accordingly, disposed of.

.....CJI.  
[Dipak Misra]

.....J.  
[A.M. Khanwilkar]

.....J.  
[Dr. D.Y. Chandrachud]

New Delhi  
August 27, 2018.

ITEM NO.5

COURT NO.1

SECTION IX

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

CONMT.PET.(C) Nos.662-663/2017 In S.L.P.(C) Nos.24161-24162/2016

THE AUTHORIZED OFFICER  
KOLHAPUR URBAN COOP. BANK LTD.

Petitioner(s)

VERSUS

SUNIL SUDHAKAR KHOT

Respondent(s)

(With appln.(s) for extension of time and clarification/direction)

Date : 27-08-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Vinay Navare, Adv.  
Mr. Makarand Rege, Adv.  
Ms. Gwen Karthika, Adv.  
Dr. Ravindra Chingale, Adv.  
Ms. Deeplaxmi Matwankar, Adv.  
Ms. Abha R. Sharma, AOR

For Respondent(s) Ms. Madhavi Divan, Adv.  
Mr. Prashant R. Dahat, Adv.  
Mr. Venkateswara Rao Anumolu, AOR

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

The contempt petitions are disposed of in terms of  
the signed order.

The interlocutory applications, if any, stand  
disposed of.

(Chetan Kumar)  
A.R.-cum-P.S.

(H.S. Parasher)  
Assistant Registrar  
(Signed order is placed on the file)