

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). 59/2020

SANJAY MADAN & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.184649/2019-STAY APPLICATION and IA No.184648/2019-EXEMPTION FROM FILING O.T.

IA No. 184648/2019 - EXEMPTION FROM FILING O.T.

IA No. 184649/2019 - STAY APPLICATION)

Date : 20-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Alok K. Sharma, Adv.
Mr. Naresh Kumar, AOR

For Respondent(s)

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

The Office Report dated 13.01.2020, on the basis of listing proforma filed by the learned counsel for the petitioner, indicates that on the vires of provision of Section 34 of SARFAESI Act we have entertained W.P.(C) No.940/2017 (Bikram Chatterji and Ors. v. Union of India & Ors.). As a matter of fact, the said writ petition has not been entertained on the question of vires of Section 34 of SARFAESI Act. Office reporting is wrong.

Based on aforesaid case reference to W.P.(C) No.502/2019 (Rohit Singhal v. Union of India and Ors.) cannot be said to be correct.

The Registry is directed to take a note of the situation and not to make any mention that a similar matter W.P.(C) No.940/2017 is pending before this Court, on the question of vires of Section 34 of SARAFESI Act. It is made clear that we have not entertained said case on vires of Section 34 of SARFAESI Act.

Learned counsel for the petitioners has prayed for withdrawal of the petition with liberty to avail an appropriate remedy before the High Court.

The writ petition is, accordingly, dismissed as withdrawn.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER