

SECTION XVII

MATTER FOR :
COURT NO.
ITEM NO.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 10941 - 10942 OF 2013

WITH

CIVIL APPEAL NOS. 10943 - 10944 OF 2013

WITH

CIVIL APPEAL NO. 1774 OF 2014

WITH

PETITION FOR SPECIAL LEAVE TO APPEAL(C) NOS. 11257 - 11258 OF 2014

WITH

PETITION FOR SPECIAL LEAVE TO APPEAL(C) NO. 2833 OF 2014

New India Assurance Co. Ltd. etc. etc.

...Appellants

VERSUS

Hilli Multipurpose Cold Storage Pvt. Ltd. etc. etc.

...Respondents

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 04th December, 2015 when the Court was pleased to inter-alia pass the following order:

- ..."20. In view of the aforestated clear legal position depicted by a five-Judge Bench, the subject is no more res integra. Not only this three-Judge Bench, but even a Bench of coordinate strength of this Court, which had decided the case of Kailash (supra), was bound by the view taken by a three-Judge Bench in the case of Dr. J.J. Merchant (supra).
21. In view of the aforestated legal position, we are of the view that the law laid down by a three-Judge Bench of this Court in the case of Dr. J.J. Merchant (supra) should prevail. The Reference is answered accordingly. "

CIVIL APPEAL NOS. 10941 - 10942 OF 2013

It is submitted that Sole Respondent is represented through MS. Sarla Chandra, Advocate. Service of Notice of Lodgment of Petition of Appeal is complete.

It is further submitted that pursuant to Honble Court's order dated 29th November, 2013, a sum of Rs. 45,00,000 (Forty five lacs only) was deposited in this Registry by the Counsel for the appellant and the said amount has increased to Rs. 53,21,651/- (Rs. Fifty three lacs twenty one thousand six hundred fifty one only) which has been invested in FDR and now bears maturity date on 7th March, 2017.

CIVIL APPEAL NOS. 10943 - 10944 OF 2013

It is submitted that Respondent No. 1 is represented through Mr. Kedar Nath Tripathy, Advocate. Respondent No. 2 is deleted vide Court's order dated 03.12.2014. **Service is complete.**

It is further submitted that pursuant to Honble Court's order dated 29th November, 2013, A sum of Rs. 12,00,000/- was deposited in this Registry and the said amount has increased to Rs. 13,85,241/- (Rs. Thirteen lacs eighty five thousand two hundred forty one only) which has been invested in FDR and now bears **maturity date on 25th February, 2017.**

CIVIL APPEAL NO. 1774 OF 2014

It is submitted that Sole Respondent is represented through Mr. Kuldeep Singh, Advocate and he has also filed counter affidavit. **Service is complete.**

SLP (C) NOS. 11257 - 1258 OF 2014

It is further submitted that Respondent Nos. 1 to 3 and Respondent No. 4 are represented through Mr. T. V. George, Advocate and Mr. Kaushik Poddar, Advocate respectively. The name of the Respondent No. 5 has been deleted vide Hon'ble Court's Order dated 20.11.2014 and cause title has been amended. (Copy of the same is included in the SLP Paper Books). **Service is Complete.**

It is further submitted that Ms. Madhumitta Bhattacharjee, Advocate has filed an application for urging additional grounds but the same has not been served to other side. Hence, the same has not been taken on record and kept in file.

SLP (C) NO. 2833 OF 2014

It is submitted that Mr. Seshatalpa Sai Bandaru, Advocate has filed Vakalatnama and Counter affidavit on behalf of both the Respondents. (Copy of the same is included in the Paper Books.)

Service of Notice is complete.

The Appeals and Special Leave Petitions above-mentioned are listed before the Hon'ble Court with this office report.

DATED THIS THE 25TH DAY OF OCTOBER, 2016.

ASSISTANT REGISTRAR

Copy to : MS. Manjeet Chawla, Advocate
Ms. Sarla Chandra, Advocate
Mr. Kuldip Singh, Advocate
Mr. Kedar Nath Tripathy, Advocate
Mr. Umesh Kumar Khaitan, Advocate
Ms. Madhumita Bhattarcharjee, Advocate
Mr. T. V. George, Advocate
Mr. Kaushik Poddar, Advocate

ASSISTANT REGISTRAR

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