

“The Hon’ble Supreme Court passed an order in CA(D) 6671 of 2011 filed by Smt Jyoti Mehta to challenge the order of Special Court dated 25.02.2011 and granted reliefs of permitting the Civil Appeal and by issue of notice. It clarified that if revenue or banks are required to bring back the amount disbursed under the impugned order, it shall include interest at a rate as may be directed by the Court. It also clarified that so far the Court had not expressed any opinion on the question whether all notified entities are to be treated as a group.”

ITEM NO.16                                      COURT NO.5                                      SECTION XVII

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS  
CIVIL APPEAL D.NO(s). 6671 OF 2011  
(FOR PREL. HEARING)

JYOTI H MEHTA & ORS.                                      Appellant (s)

VERSUS

CUSTODIAN & ORS.                                      Respondent(s)

(WITH APPLN. (S) FOR PERMISSION TO FILE CIVIL APPEAL WITHOUT CERTIFIED COPY OF TRUE COPY OF IMPUGNED JUDGEMENT AND ORDER DATED 25.2.2011 AND EXEMPTION FROM FILING CERTIFIED COPY OF IMPUGNED JUDGEMENT AND ORDER DATED 25.2.2011 AND OFFICE REPORT)

WITH

Civil Appeal D NO. D6670 of 2011 (FOR PREL. HEARING) (WITH APPLN.(S) FOR PERMISSION AND EXEMPTION AND OFFICE REPORT)

Date: 14/03/2011 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) CA D6671/11	Mr. P.S. Patwalia, Sr. Adv. Ms. Kamini Jaiswal,Adv. Mr. I.H. Syed, Adv. Mr. Aman Deep Singh, Adv. Mr. Varinder Kumar Sharma, Adv.
CA D6670/11	Mr. K.K. Venugopal, Sr. Adv. Ms. B. Vijayalakshmi Menon, Adv. Mr. Gopal Shankarnaryanan, Adv.
For Respondent(s)	Mr. Arvind Kumar Tiwari, Adv.rr.1 Mr. Subramonium Prasad, Adv. rr.4 Mr. Taruna A Prasad, Adv. for M/s Fox Mandal & Co., Adv.  Mr. Parag P Tripathi, ASG Mr. Beni Chatterjee, Adv. Ms. Monisha Handa, Adv.

UPON hearing counsel the Court made the following

O R D E R

C.A. Nos....D6671/2011

Permission to file civil appeal is granted.

Issue notice.

: 2 :

Four weeks' time is granted to the respondents to file counter affidavits. Rejoinder affidavit, if necessary, be filed within two weeks thereafter.

Having heard learned counsel for the parties on the question of interim stay, we are of the view that it is not a fit case where operation of the impugned order, directing disbursement of amounts to the Income Tax Department, State Bank of India and Canbank Financial Services Ltd., should be stayed. However, we clarify that if ultimately the Income Tax Department and the financial institutions are required to bring back the entire or part of the amount disbursed in terms of the impugned order, it shall also include the interest at a rate as may be directed by the Court. We further clarify that so far we have not expressed any opinion on the question as to whether all the notified parties are to be treated as a group.

**C.A. No...D. 6670/2011**

Permission to file civil appeal is granted.

Issue notice.

Four weeks' time is granted to the respondents to file counter affidavits. Rejoinder affidavit, if necessary, be filed within two weeks thereafter.

In the meantime, the amount of Rs.25 crores, directed to be paid to Canbank Financial Services Ltd., in terms of the impugned order shall not be disbursed to them, if not already released.

[ Charanjeet Kaur ]  
Court Master

[ Kusum Gulati ]  
Court Master