

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

Civil Appeal No(s). 6683-6684/2014

SOMNATH CHAKRABORTY AND ANR.

Appellant(s)

VERSUS

APPOLLO GLENEAGLES HOSP. LTD & ORS.

Respondent(s)

(with office report)

Date : 15/01/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s) Mr. Ranjan Mukherjee, AOR
Mr. S.C. Ghosh, Adv.
Mr. S. Bhowmick, Adv.

For Respondent(s) Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Supriya Jain, Adv.
Mr. Gaurav Jain, Adv.
Ms. Niharika, Adv.
For M/s. K. J. John & Co.

Mr. Saakar Sardana, Adv.
Mr. Avijit Bhattacharjee, AOR.

Mr. Mithilesh Kumar Singh, AOR

UPON hearing the counsel the Court made the following

O R D E R

Subsequent to our order dated 5.12.2014 these appeals are listed before us for reporting compliance as regards the execution of the Conveyance Deed and its registration. To our utter dismay, it is reported that in spite of our specific directions, in our order of 5.12.2014, Respondent No.3 herein-Competent Authority, Calcutta, which received the Chargeability Assessment Slip issued

by A.R.A.-I, Kolkata mentioning the market value of the property and other details as well as the draft Conveyance Deed forwarded by respondent No.1-Appollo Gleneagles Hospitals Limited, as early as on 05.01.2015, for no reason allowed it to lye in the Office of Respondent No.3-Competent Authority, Calcutta. The said conduct of Respondent No.3 is contumacious and we would have been well justified in issuing suo motu contempt against Respondent No.3 for its total inaction and indifferent attitude displayed in complying with our directions contained in our order dated 5.12.2012.

Mr. Sakar Sardana, learned counsel representing Respondent No.3, appearing on behalf of learned Advocate-on-Record, very fervently pleaded that he will ensure that Respondent No.3 carry out necessary steps for getting the conveyance Deed executed and registered before the A.R.A.-I, Kolkata, positively within a week's time. Considering the fervent submission made by the learned counsel appearing for Respondent No.3 and with a view to give one last opportunity to Respondent No.3 to positively carry out our directions for execution and registration of the Conveyance Deed, as directed in our earlier orders, we direct Respondent No.3 to approve the Conveyance Deed delivered to it at the instance of Respondent No.1-Appollo Gleneagles Hospitals Limited and hand over the same to the representative of Respondent No.1-Appollo Gleneagles Hospitals Limited, duly completed in all respects on the forenoon of 19.01.2015. Respondent No.1-Appollo Gleneagles Hospitals Limited is directed to thereafter ensure that necessary stamp duty is affixed on the document apart from paying the registration fee with the A.R.A.-I, Kolkata, as mentioned in Chargeability Assessment Slip dated 5.1.2015.

On compliance of the above formalities by 20.1.2015, the document shall be placed before A.R.A.-I, Kolkata for registration in the presence of the owners and the Respondent No.3 as well as representative of Respondent No.1-Appollo Gleneagles Hospitals Limited. The A.R.A.-I, Kolkata is directed to carry out the registration and complete the process by 21.01.2015. All the parties, required for carrying out the registration, shall be

present before A.R.A.-I, Kolkata at 11.00 A.M. on 21.01.2015. It is also directed that all the parties should meticulously follow the above directions and ensure that registration is carried out by 21.01.2015. If any of the parties fail to carry out the above directions and thereby the registration is not completed by 21.01.2015, the appropriate costs will be mounted on the concerned person.

List on 22.01.2015.

(NARENDRA PRASAD)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER

P.S. - A dasti copy of this order be given to the counsel for the parties.