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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.37 OF 2015 IN
LETTER PATENT APPEAL NO.28 OF 2004

Gangapur Sahakari Sakhar
Karkhana Limited ...Applicant
vs.
The Maharashtra State
Co-operative Bank Ltd. & Ors. ...Respondents

WITH
CIVIL APPLICATION NO.5 OF 2015 IN
LETTER PATENT APPEAL NO.28 OF 2004

The Maharashtra State
Co-operative Bank Ltd. & Ors. ...Applicant
vs.
Gangapur Sahakari Sakhar
Karkhana Limited ...Respondent

Mr.Prashant Pandit for the applicant in CAL 37/2015
Ms Varsha Palav for the applicant in CAL 5/2015

CORAM : A.S.OKA, &
G.S.KULKARNI, JJ.
DATE : DECEMBER 20, 2016

P.C.:

1 The only substantive prayer in Civil Application No.37 of 2015 is prayer clause (a) which reads thus:

“(a) This Hon'ble Court may be pleased to hold that the amount of Rs.4,41,80,254/- (Rupees four crores forty one lacs eighty thousand two fifty four only) lying with the original Appellant i.e Maharashtra State Co-

operative Bank Limited, is sufficient to comply with the order of pre-deposit under section 7-I of the EPF & MP Act, 1952."

2 This application is made in a disposed of Letters Patent Appeal (LPA) No.28 of 2004. The LPA along with connected appeals and writ petitions was disposed of by the First Court by a Judgment and Order dated 7th April 2010. The material part of the said Judgment and Order which is relevant for consideration is paragraph 19 which reads thus:

"19 ...If proof of the amount due and payable as per these documents is produced, the Registrar (Judicial-I) to permit withdrawal of the sums by the Provident Fund Authorities and he shall issue consequential directions after due notice to the Advocate for all parties. Further the balance sum shall be retained by him till all parties to the proceedings other than the Provident Fund Authorities produce proof of their entitlement and dues. If none of the parties come forward and produce such proof, then, the Registrar (Judicial-I) to seek appropriate directions from the Court and thereafter, deal with the balance sum at this disposal."

3 In a disposed of LPA, adjudication in terms of prayer clause (a) cannot be made by this Court. Therefore, this civil application in the disposed of

LPA cannot be entertained.

4 As far as Civil Application No.5 of 2015 is concerned, the only substantive prayer is prayer clause (b) which reads thus:

“(b) The Applicant be permitted to retain the amount of Rs.2,46,521/- remitted to it by the Orders of this Hon'ble Court dated 18.7.2006 in Letters Patent Appeal No.28 of 2004 and 12.10.2006 in Civil Application No.221 of 2006 in Letters Patent Appeal No.28 of 2004 at Exhs. `A' (colly) and `B' respectively, along with the interest accrued thereon.”

5 Even this prayer cannot be considered on merits as it is made in a disposed of LPA. As prayers in both the Civil Applications cannot be granted by this Court in a disposed of LPA, the civil applications are rejected. However, appropriate remedies of the applicants are kept open.

(G.S.KULKARNI,J.)

(A.S.OKA,J.)