

THE HON'BLE MR. JUSTICE IA ANSARI

Heard Mr. A. Roy, learned counsel for the applicants, who are petitioners in WP(C) No.591/2008, and Mr. N. Baruah, learned Central Govt. counsel, appearing on behalf of the respondents.

By making this application, the petitioners have submitted to the effect, inter alia, that while the writ petition was pending for directions to be issued to the respondents to, inter alia, clear the proposals pending with the respondents/authorities concerned, the respondents have, according to the information received from the applicants' bank, namely, State Bank of India, has debited a sum of Rs.28,55,14,172 and another sum of Rs.30,35,24,690/- from its Escrow Account Nos. 10566984086 and 10566984064 respectively. It is also submitted by the applicants that the recoveries aforementioned have been made without giving any notice to the applicants and/or without hearing them and, hence, the recoveries, so made, which are penal in nature, are illegal, arbitrary and have seriously prejudiced the interest of the applicants.

By making this application, the petitioners have sought for, inter alia, appropriate directions from this Court restraining the respondents from taking any further coercive action until the writ petition is disposed of.

Mr. Baruah, learned Central Govt. Counsel, has submitted that due to lack of instructions from the respondents, he is not in a position to make any submission, in this case, at this stage, and that the two writ petitions, which are lying part-heard, along with this and other Miscellaneous Applications be listed for hearing on 31.10.2008.

Considering the matter in its entirety and in the interest of justice, this Misc. Case is directed to be listed for hearing, on 31.10.2008, along with WP(C) Nos .591/2008 and 1048/2008.

Having heard the learned counsel for the parties, this Court is of the view that appropriate interim directions need to be issued restraining the parties concerned from taking any such action, which would lead to multiplicity of proceedings.

In view of the above and in the interest of justice, it is hereby directed that no coercive action be taken by the respondents with regard to the recovery of any of the amounts, which may be, directly or indirectly, connected with the pending writ petitions, without obtaining leave of this Court.

The respondents are, however, left at liberty to apply for modification, alteration and/or vacation of the interim direction(s).