

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.5182/2025
(@Petition for Special Leave to Appeal (C) No.14061/2024)

PHOENIX ARC PRIVATE LIMITED

Appellant(s)

VERSUS

M/S. SAMARPANA CHARITABLE TRUST & ORS.

Respondent(s)

O R D E R

1. Leave granted

2. This appeal arises from an order passed by the High Court of Judicature at Madras dated 18-3-2024 in CMP No.6040/2024 in OSA SR No.8560/2024, by which the High Court rejected the application filed by the appellant - herein and thereby declined to grant leave to appeal against the Judgment and order passed by the learned Single Judge dated 5-9-2022 in OP No.260/2022.

3. The OP No.260/2022 was instituted at the instance of M/s. Samarpana Charitable Trust represented by its authorized person (Respondent No.1 - herein).

4. We take notice of the fact that the proceedings were instituted only against M/s.Chennai Metro Rail Project - Respondent No.2 - herein.

5. The operative part of the order passed by the High Court in OP No.260/2022 reads thus:-

"Para 11 Therefore, in view of that particular aspect, the permission which is required to sell property is hereby granted and the parties may proceed further. Necessary sale deeds may be executed in terms of this particular order and if required, this Order may also be presented before the Jurisdictional Sub Registrar at the time of registration.

Para 12 The remaining property described in Schedule A which is in item Nos.2 & 3, after the property is sold to the respondent should remain and must remain in the custody and control and possession of the 1st petitioner/Trust."

6. It is the case of the appellant - herein that in its absence, the learned Single Judge could not have decided the OP No.260/2022.

7. In such circumstances, it went before the Division Bench of the High Court and prayed for leave to appeal.

8. The leave to appeal came to be declined.

9. In such circumstances, the appellant is here before us with the present appeal.

10. We heard Mr. Ranjit Kumar, the learned Senior counsel appearing for the appellant, Mr. Anand Sanjay Nuli, the learned Senior counsel appearing for Respondent No.1 - Trust and Mr. Mukul Rohatgi, the learned Senior counsel appearing for Respondent No.2 - M/s. Chennai Metro Rail Project.

11. We also take notice of the fact that M/s. Chennai Metro Rail Project has preferred an application seeking to implead the original borrowers.

12. As we are inclined to dispose of this appeal, it is not necessary for us to implead the original borrowers.

13. We take notice of the order passed by a Co-ordinate Bench of this Court dated 19-7-2024. The same reads thus:-

1. Heard Mr. Ranjit Kumar, learned senior counsel appearing for the petitioner(s).

2. The counsel would refer to the Settlement Deed dated 29.01.2021 to say that the two brothers - P.J.K. Sairam and P.K.S. Prashath were the mortgagors for the loan, secured from the Andhra Bank. The petitioner - Company is an assignee of the loan under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Considering the nature 1 of the claim that the assignee had

vis-a-vis two mortgagors and the terms of the Settlement Deed dated 29.01.2021, the Division Bench ought to have granted leave to the petitioner(s) to challenge the order dated 05.09.2022 of the learned Single Judge. This is more so when the petitioner(s) were not arrayed as party in the proceedings before the learned Single Judge.

3. *Issue notice, returnable in four weeks.*

4. *From the submission of the learned senior counsel, it appears that there are 7 Suits pending between the parties. Therefore, it is submitted that at this stage, the Trust should not project itself as the owner of the property on the strength of the order passed by the learned Single Judge on 05.09.2022. Accepting this, the operation of the order (dated 05.09.2022) to this extent, is stayed as an interim measure."*

14. Without commenting anything on the merits or demerits of the impugned order passed by the High Court, we are of the view that we should grant leave to the appellant - herein to file appeal against the order passed by the learned Single Judge in O.P. No.260/2022 dated 5.9.2022. We order accordingly.

15. The impugned order passed by the High Court is hereby set aside.

16. As we have granted leave to appeal, the appeal shall now be registered and the Appellate Court, i.e., the Division Bench shall hear this appeal and decide the same in accordance with law within a period of two months from today.

17. We request the High Court to adhere to this time limit of two months having regard to a huge public project involved in the litigation.

18. All that we say today is that the interim order which has been passed by this Court dated 19-7-2024 shall continue till the time the appeal of the appellant is decided by the Division Bench. However, with clarification that this interim order shall not come

in the way of M/s. Chennai Metro Rail Project so far as their project is concerned.

19. With the aforesaid, the appeal stands disposed of.

20. Pending applications, if any, shall also stand disposed of.

.....J
(J.B. PARDIWALA)

.....J
(R. MAHADEVAN)

NEW DELHI
9TH APRIL, 2025.

ITEM NO.35

COURT NO.11

SECTION XII

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

Petition for Special Leave to Appeal (C) No.14061/2024

[Arising out of impugned final judgment and order dated 18-03-2024 in OSASR No. 8560/2024 passed by the High Court of Judicature at Madras]

PHOENIX ARC PRIVATE LIMITED

Petitioner(s)

VERSUS

M/S. SAMARPANA CHARITABLE TRUST & ORS.

Respondent(s)

(IA No. 172051/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No.285759/2024 - CLARIFICATION/DIRECTION, IA No. 142081/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 285763/2024 - INTERVENTION/IMPLEADMENT, IA No. 145854/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 52064/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES)

Date : 09-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Ranjit Kumar, Sr. Adv.
Mr. Suresh Dutt Dobhal, AOR
Mr. Shikhar Kumar, Adv.
Mr. Abhinav Sharma, Adv.

For Respondent(s) :

Mr. Sanjay Nuli, Sr. Adv.
Mr. Hussain Mueen Farooq, Adv.
Mrs. B. Sudha, Adv.
Mr. Moh. Kamran Khan, Adv.
Mr. Saiyed Rehman Ali, Adv.
Mr. S. N. Jha, Adv.
Mr. Imran A., Adv.
Mr. Mohammad Badeea Uz Zaman, Adv.
Mr. Md. Aftab Alam, Adv.
Mr. Dhananjaya, Adv.
Mrs. Sonal Vikas Jain, Adv.
Mrs. Revathy Raghavan, AOR

Mr. Senthil Jagadeesan, Sr. Adv.
Mr. Punit Manoj Agarwal, Adv.

Mr. Anandh K., Adv.
Ms. Nishita Jagetia, Adv.
Mr. Ang Bajaj, Adv.
Ms. Iyer Shruti Gopal, AOR
Ms. D Dhanam, Adv.
Ms. M Amala, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.
Ms. Jahnavi Taneja, Adv.
Mr. Danish Saifi, Adv.
Mr. Veshal Tyagi, Adv.

Mr. D. Kumanan, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal stands disposed of, in terms of the signed corrected order.
3. Pending applications, if any, shall also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed Corrected Order is placed on the file)

ITEM NO.35

COURT NO.11

SECTION XII

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

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Mr. Abhinav Sharma, Adv.

For Respondent(s) :

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Mr. Hussain Mueen Farooq, Adv.
Mrs. B. Sudha, Adv.
Mr. Moh. Kamran Khan, Adv.
Mr. Saiyed Rehman Ali, Adv.
Mr. S. N. Jha, Adv.
Mr. Imran A., Adv.
Mr. Mohammad Badeea Uz Zaman, Adv.
Mr. Md. Aftab Alam, Adv.
Mr. Dhananjaya, Adv.
Mrs. Sonal Vikas Jain, Adv.
Mrs. Revathy Raghavan, AOR

Mr. Senthil Jagadeesan, Sr. Adv.
Mr. Punit Manoj Agarwal, Adv.
Mr. Anandh K., Adv.

Ms. Nishita Jagetia, Adv.
Mr. Ang Bajaj, Adv.
Ms. Iyer Shruti Gopal, AOR
Ms. D Dhanam, Adv.
Ms. M Amala, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.
Ms. Jahnavi Taneja, Adv.
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(Signed Order is placed on the file)

(POOJA SHARMA)
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