
(2011) 08 SC CK 0155

In the Supreme Court Of India

Case No : I.A. No"s. 6-10 and 17-21 in Civil Appeal No"s. 6475-6479 of 2005

State of Maharashtra

APPELLANT

Vs

Vijay C. Puljal and Others

RESPONDENT

Date of Decision : 29-08-2011

Acts Referred:

Citation : (2011) 08 SC CK 0155

Hon'ble Judges : Markandey Katju, J;Chandramauli Kumar Prasad, J

Bench : Division Bench

Advocate : Shekhar Naphade, Sanjay Kharde and Asha Gopalan Nair, for the Appellant; Alok Kumar, C. Mukund, P.V. Saravana Raja, Pankaj Jain and Bijoy Kumar Jain, Shyam Divan Pratap Venugopal, P.K. Jha, Namrata Sood and Gaurav Nair for K.J. John and Co., Dinesh Dwivedi and K.V. Bharathi Upadhyaya, for the Respondent

Final Decision : Allowed

Judgement

1. Heard learned Counsel for the appearing parties.
2. We have passed our judgment dated 04.03.2011 in K.K. Baskaran Vs. State rep. by its Secretary, Tamil Nadu and Others, by which we have upheld the constitutional validity of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 (for short 'the Tamil Nadu Act'). Subsequently, by our order dated 09.05.2011 passed in Criminal Appeal No. 1597 of 2005, we have also upheld the constitutional validity of the Maharashtra Protection of Interests of Depositors (In Financial Establishments) Act, 1999 (for short 'the Maharashtra Act').
3. We are not permitting any further arguments on the constitutional validity of the Maharashtra Act and the Tamil Nadu Act as we have already upheld their constitutional validity.

I.A. NOS. 6-10 & 17-21 in CIVIL APPEAL NOS. 6475-6479/2005

4. Large scale fraud was played on the innocent public who deposited their hard earned money with certain unscrupulous persons. We have held that the Maharashtra Act and the Tamil Nadu Act to deal with this situation are covered by Entry 1 of List II (The State List) of the Seventh Schedule to the Constitution because this is likely to disturb the public order.

5. However, if any party wishes to submit that it is not covered by the Maharashtra Act or the Tamil Nadu Act (as the case may be), it is open to him to take independent proceedings before the forum concerned.

6. With these observations, the Appeals are allowed. No costs.

7. Since we have allowed the main Appeals, no orders need be passed on the interlocutory applications.