

ITEM NO.4

COURT NO.5

SECTION XIA

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(s) for Special Leave to Appeal (C) No(s). 34373/2014

(Arising out of impugned final judgment and order dated 29/11/2014
in FA No. 158/2001 passed by the High Court of Orissa at Cuttack)

ORISSA OLYMPIC ASSOCIATION TH.GEN.SECRETARY Petitioner(s)

VERSUS

STATE OF ORISSA AND ANR Respondent(s)

(with interim relief and office report)

Date : 08/10/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
 HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Gopal Subramaniam, Sr. Adv.
 Mr. Raju Ramachandran, Sr. Adv.
 Mr. B.H. Mohanty, Sr. Adv.
 Mr. Dayanand Mahapatra, Adv.
 Mr. Raghavendra S. Srivatsa, AOR
 Mr. Rahat Bansal, Adv.
 Mr. Gaurav Khanna, Adv.

For Respondent(s) Mr. Ashok Panigrahi, AOR
 Mr. Santosh Kumar, Adv.
 Mr. Surajit Bhaduri, Adv.

 Mr. Mohan Prasad Gupta, Adv.
 Mr. R.R. Rajesh, Adv.
 Mr. Ajay Kumar Singh, Adv.

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

In pursuance of our order dated 07.05.2015, a report of the
Committee dated 29.09.2015 has been received along with certain
maps in a sealed cover. Registry is directed to hand over copies
of the report to the learned counsel for the petitioner, the State

of Odisha as well as learned counsel for the Accountant General. Registry shall also make photo copies of the maps and hand over to learned counsel for the parties on payment of costs. Objection to the report, if any, be filed within four weeks hence.

At this juncture, it is apt to state that in pursuance of our order dated 19.08.2015, the petitioner has filed its objections. The same shall be addressed to on the next date of hearing.

We will be failing in our duty, if we do not take note of the submissions advanced by Mr. Gopal Subramaniam, learned senior counsel appearing for the petitioner to the effect that though the petitioner will be filing its objections to the report submitted by the Accountant General, there is a fundamental fallacy that the said authority has not taken into consideration the effect of capital acquisition of assets by the Orissa Olympic Association. Learned senior counsel would submit that the said stand will withstand close scrutiny, if in the ultimate eventuate, the right, titled and interest of the Association is established in respect of the disputed 23 shops and the Kalyan Mandap. Needless to say, the said aspect shall be addressed to when we deal with the report of the Committee that has been submitted on 29.09.2015.

At this juncture, Mr. Panigrahi, learned counsel for the State has read out a passage from the impugned judgment which is quite shocking if it is factually correct. Submission of Mr. Panigrahi is that the stand of the Orissa Olympic Association had invested the money for the benefit of the association is an absolute myth, for one of the partners of the M/s. INCON Associates is the son of the General Secretary of the petitioner-Association before this Court. Hence, submits Mr. Panigrahi, the arrangement was so made with the sole purpose of benefiting M/s. INCON Associates. This aspect requires to be seriously dwelt upon, for there is a conflict of interest and it may enter into the realm of fiscal impropriety.

Learned counsel for the petitioner is at liberty to file a reply to the said assertion and Mr. Panigrahi is also given liberty

to file appropriate documents and response to bolster his submission.

Let the matter be listed at 2.00 p.m. on 02.12.2015 for further hearing.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master