

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 39118 of 2024

(M/S MAA NARMADA ASSOCIATES Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 07-04-2025

Shri Rahul Diwaker - Advocate for petitioner.

Shri Narinder Pal Singh Ruprah - Senior Advocate assisted by Shri Navtej Singh Ruprah - Advocate for respondent No.5.

Shri Abhijeet Awasthi, Deputy Advocate General for respondent/State.

1. On 28.03.2025, at the request of the learned counsel for the respondent No.5, matter was directed to be posted on 04.04.2025 and it was also directed that the responsible person on behalf of respondent No.5 shall also be present in Court. It was further directed that the respondent No.1 to 4 shall also take instruction as to how much stocks were handed over to the respondents, which belongs to the petitioner herein.

2. On 04.04.2025, Shri Punit Chourasiya, Manager of respondent No.5 was present in person and stated that while preparing six Panchnamas dated 31.03.2024/01.04.2024 and handing over the remainder material he was not present on that date and he did not know as to how much remainder material was handed over. Again he changed his stand and stated that he was very much there, however no stock has been handed over by the petitioner to respondent No.5.

3. It is not in dispute that his presence or signature are not mentioned in six Panchanamas dated 31.03.2024.

4. Counsel for the respondent No.5 submits that the said respondent received empty shop and there was no stock available therein and no stock has been received from the petitioner by the respondent No.5. Accordingly, the respondent/State was directed to find out and produce all the signatories who appended their signatures on Panchnamas 31.03.2024 on the next date of hearing and it was made clear that they shall be required to answer the questions of the Court on the next date of hearing alongwith the Officers of the respondent/State who were present and handed over the stock in favour of the respondent No.5 after taking it from the petitioner herein. It was also made clear that if they are reluctant to be present before this Court, then the State Authority can take the assistance of the Police to ensure their presence on the next date of hearing including respondent No.5 personally.

5. It is important to mention that vide letter dated 08.05.2024, the Office of Assistant Excise Commissioner, Jabalpur sent a communication to respondent No.5 to deposit deficit Excise Duty of the questioned stock and pursuant thereto the respondent No.5 has deposited Rs.6.50 lakhs vide three different e-challans.

6. This Court also framed a question as to whether the remainder of the stock was handed over in favour of respondent No.5 as brought on record as mentioned above. Counsel for the respondent No.5 on instruction had denied the fact by submitting that no stock was received by the said respondent. If that is the position, when the respondent/State has made the Panchnama of handing over but not received by anyone, then this Court wanted to know where this huge stocks of thousands of literes of liquors has

gone, whether given to respondent No.5 or misappropriated by the Officers of State who were present on that very night, which is not a simplicitor contractual dispute.

7. Despite direction given by this Court by order dictated in open Court, the respondent No.5 is not present today.

8. Today, counsel for the respondent No.5 has produced a joint application for recording compromise between parties under Order XXIII Rule 3 of CPC with affidavit. A cheque dated 07.04.2025 has also been annexed amounting to Rs.25,00,000/- (Rupees Twenty Five Lakhs) in favour of the petitioner herein.

9. When this Court asked Mr. Narinder Pal Singh Ruprah, learned Senior Advocate, whether respondent No.5 is present in Court or not, instead of responding to the query, he raised his voice excessively. He created a ruckus in the Court by shouting at top of his voice, which is recorded in the live-streamed recording of the Court. This Court had no option but to hear him. He is a designated Senior Advocate but looking to his conduct today, we are of the view that it needs to be reconsidered as it appears that he does not deserve to be a Senior Advocate. Thus, the Registrar General of this Court is directed to place the matter before the Full Court to consider whether he should be continued as a Senior Advocate or not.

10. Till further orders, Shri Narinder Pal Singh Ruprah, learned Senior Advocate, shall not appear before this Bench.

11. Since respondent No.5 is not present and even today learned Senior counsel submits that he has not received any stock, despite having

paid an amount of ₹25,00,000/- as a compromise to the petitioner, and he still insists that no stock was received, this Court wonders why such a huge amount of ₹25,00,000/- has been paid to the petitioner.

12. At this stage, Shri Ruprah, learned Senior Advocate submits that he wishes to file some more applications during the course of the day. He is permitted to do so. He stated that the Panchnamas filed as Annexure P/3 are forged, and are not filed in original, and therefore, unless originals are produced, no cognizance of such documents could be taken by this Court. However, we find that no such averment has been made in the reply to the petition filed by respondent No.5 on 31.03.2025 and a new case in that regard is being set up.

13. Pursuant to the order dated 04.04.2025, Shri P.R. Warkade, Excise Sub-Inspector, Shri Ramesh Inwati, Excise Constable, and Shri D.S. Marco, Excise Constable, appeared before this Court and submitted that the representatives of respondent No.5 were present at the time of handing over the stock, and their signatures were duly obtained on the aforementioned Panchnamas.

14. Shri P.R. Warkade further submits that he conveyed the order of this Court to Shri Amul Gupta, Shri Vikash Singh, and Shri Dharmendra Shivhare, who are the representatives of respondent No.5 and signed on Panchnamas. Despite this, they have not appeared before this Court.

15. Let bailable warrants in the sum of Rs.25,000/- be issued against respondent No.5, Shri Amul Gupta, Shri Vikash Singh and Shri Dharmendra Shivhare. The same shall be executed through Superintendent of Police,

Jabalpur.

16. The Registrar (IT) is directed to secure the live-streamed recording of proceedings held in Court No.1 on 07.04.2025 in this case and place the same before the Full Court when the matter for reconsideration of senior designation of Shri Narinder Pal Singh Ruprah, Senior Advocate will be taken up.

17. A copy of this order be supplied to the Registrar General of this Court for necessary compliance.

List on 09.04.2025.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

Praveen