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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1417 OF 2015 IN
APPEAL NO.441 OF 2015 IN
COMPANY PETITION NO.644 OF 2013**

IDBI Trusteeship Services Limited	... Applicant
<u>In the matter of</u>	
IDBI Trusteeship Services Limited	... Appellant
Versus	
Hubtown Limited	... Respondent

Dr. Veerendra Tulzapurkar, Senior Counsel a/w Mr. Sandeep Parikh, Mr. Indranil Deshmukh, Mr. Aditya Mehta, Mr. Vineet Unnikrishnan, Ms. Pooja Vora and Ms. Pankti Vora i/by Cyril Amarchand Mangaldas for the Appellant.

Mr. Aspi Chinoy, Senior Counsel a/w Mr. Nishit Dhruva and Prakah Shinde i/by MDP & Partners for the Respondent.

**CORAM : A.S. OKA &
P. D. NAIK, JJ.**

DATE : 11th APRIL, 2016

PC.

1 Prayer clause (a) which is the only prayer for interim relief reads thus :-

“(a) that pending the hearing and final disposal of the Appeal, this Hon'ble Court may be pleased to stay the effect, implementation and operation of the Order and Judgment dated 08th May, 2015 passed in Company Petition No.644 of 2013, except the findings recorded in the Applicant's favour in paragraph 15 of the said order and judgment (hereinafter referred to as the “**Impugned Order**”).”

2 The learned Senior Counsel appearing for the Applicant/ Appellant invited our attention to the ad-interim order dated 22nd December, 2015. His contention is that an action is sought to be taken by the Enforcement Directorate on the basis of the findings recorded by the learned Single Judge in the impugned order.

3 Paragraph 41 of the impugned order reads thus :-

“41. Needless to add that the observations made in this Order are prima facie and are not made upon a detailed adjudication of the disputes raised between the parties.”

4 As the learned Single Judge in the impugned order has himself observed that the observations made in the order are only prima facie observations for the purposes of deciding the Company Petition for winding up, we are of the view that prayer clause (a) of this Notice of Motion cannot be granted. Not only that the learned Single Judge has observed that the observations are prima facie, he has also recorded that the observations are not made upon the detailed adjudication of the disputes between the parties. In view what is observed in paragraph 41 of the impugned order, there is no basis for the apprehension that any action will be taken by the Enforcement Directorate on the basis of the findings in the impugned order. Hence, no case is made out for grant of any interim relief. Notice of Motion is disposed of.

(P. D. NAIK, J)

(A.S. OKA, J)