

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

CHAMBER SUMMONS (L) NO. 1096 OF 2012

WITH

NOTICE OF MOTION NO. 2078 OF 2012

WITH

NOTICE OF MOTION NO. 1663 OF 2013

IN

SUIT NO. 771 OF 2002

ICICI Bank Ltd.

.. Plaintiff

Vs.

Unimers India Ltd. & Ors.

.. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.

Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

Mr. Shushrut Desai i/b Mr. Sujit S. Suryavanshi i/b Vigil Juris for Defendant No.1.

WITH

SUIT NO. 4751 OF 1998

ICICI Bank Ltd.

.. Plaintiff

Vs.

The Official Liquidator of
Poysha Industries Co.Ltd. & Ors.

.. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.

Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

WITH

JUDGES ORDER NO. 68 OF 2006

WITH

SHOW CAUSE NOTICE NO. 1209 OF 2005

WITH

NOTICE OF MOTION NO. 757 OF 2016

IN

SUIT NO. 5237 OF 1998

ICICI Bank Ltd. .. Plaintiff
Vs.
The Official Liquidator & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.
Mr. Mandar Soman for Defendant Nos.3 to 6.

**WITH
COURT RECEIVER EXECUTION NO. 468 OF 1999
WITH
NOTICE OF MOTION NO. 2198 OF 2012
WITH
NOTICE OF MOTION NO. 198 OF 2014
WITH
NOTICE OF MOTION NO. 1417 OF 2013
IN
SUIT NO. 468 OF 1999**

ICICI Bank Ltd. .. Plaintiff
Vs.
Jayant Vitamins Ltd. & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.
Mr. Nikhil Rajani i/b M/s. V. Deshpande & Co. for Defendant No.2.

**WITH
CHAMBER SUMMONS NO. 1006 OF 2014
IN
SUIT NO. 1098 OF 1999**

ICICI Bank Ltd. .. Plaintiff
Vs.
B.D. Industries Ltd. & Anr. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
COURT RECEIVER EXECUTION NO. 3406 OF 1999
WITH
JUDGES ORDER NO. 67 OF 2006
WITH
NOTICE OF MOTION NO. 301 OF 2016
IN
SUIT NO. 3406 OF 1999**

ICICI Bank Ltd. .. Plaintiff
Vs.
The Official Liquidator, H.C. Bombay & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.
Ms. Megha A. Mohite i/b JMB Partners for Defendant No.2.
Ms. Ferzana Behramkanmdin i/b FZB and Associates for Defendant Nos.3
to 5.

**WITH
CHAMBER SUMMONS NO. 1548 OF 2015
IN
SUIT NO. 3728 OF 1999**

ICICI Bank Ltd. .. Plaintiff
Vs.
The Official Liquidator of Garware Nylons Ltd. & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
CHAMBER SUMMONS NO. 617 OF 2016
WITH
NOTICE OF MOTION NO. 2334 OF 2016
IN
SUIT NO. 3945 OF 1999**

ICICI Bank Ltd. .. Plaintiff
Vs.
Heatshrink Technologies Ltd. & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.
Mr. R.M. Vaassodew for Defendant No.1.
Ms. Sharila D'souza i/b Flavia Legal for Defendant No.13.

**WITH
SUIT NO. 3973 OF 1999**

ICICI Bank Ltd. .. Plaintiff
Vs.
Indu Nissan Oxo Chemical Industries Ltd. & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.
Mr. Sanket Shah i/b Akshar Laws for Defendant No.1.

**WITH
COURT RECEIVER EXECUTION NO. 1441 OF 2000
IN
SUIT NO. 1441 OF 2000**

ICICI Ltd. .. Plaintiff
Vs.
Nath Capital & Financial Services Ltd. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
SUIT NO. 2209 OF 2000**

ICICI Bank Ltd. .. Plaintiff
Vs.
The Official Liquidator of Lloyds Finance Ltd.& Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
SUIT NO. 2759 OF 2000**

ICICI Bank Ltd. .. Plaintiff
Vs.
Mayo India Ltd. .. Defendant

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
NOTICE OF MOTION NO. 163 OF 2012
IN
SUIT NO. 918 OF 2002**

ICICI Bank Ltd. .. Plaintiff
Vs.
Ishar Alloy Steels Ltd. & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.
Mr. J.B. Naviani i/b Kusumarkar Kaushik for Defendant No.9.

**WITH
SUIT NO. 1314 OF 2002**

ICICI Bank Ltd. .. Plaintiff
Vs.
The Official Liquidator, H.C. Bombay
as Liqu. Of Patheja Forgings & Auto .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
CHAMBER ORDER (L) FOR CONDONATION OF DELAY NO. 78 OF 2004
IN
SUIT NO. 1138 OF 2003**

ICICI Bank Ltd. (Debenture Trustees) .. Plaintiff
Vs.
Chemox Laboratories Ltd. & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
CHAMBER ORDER (L) FOR CONDONATION OF DELAY NO. 79 OF 2004
WITH
COURT RECEIVER EXECUTION NO. 2174 OF 2003
IN
SUIT NO. 2174 OF 2003**

ICICI Bank Ltd. .. Plaintiff
Vs.
Armour Chemical Ltd. & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
SUIT NO. 2332 OF 2003**

ICICI Bank Ltd. .. Plaintiff
Vs.
The Official Liquidator, H.C.
Ahmedabad of Maheshwari Mills Ltd. & Ors. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
SUIT NO. 2861 OF 2003**

ICICI Bank Ltd. .. Plaintiff
Vs.
Mehar Dairy Industries Ltd. & Anr. .. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.
Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

**WITH
SUIT NO. 227 OF 2006**

ICICI Bank Ltd.

.. Plaintiff

Vs.

Carona Ltd. & Ors.

.. Defendants

Ms. Gargi Bhagwat i/b Divekar Bhagwat & Co. for the Plaintiff.

Mr. A.B. Malvankar, Section Officer from Court Receiver present in Court.

CORAM : K.R. SHRIRAM, J.

DATED : 7TH OCTOBER, 2016.

P.C.

1 The counsel for the plaintiff states that after the Larger Bench disposed of the matter by an order dated 7th March, 2016 holding that this court will have jurisdiction to decide the subject matter of the suit, the matter was placed before the Appeal Bench and the Appeal Bench set aside the earlier order of the Single Judge and remanded the matter back for further proceedings. The counsel for the plaintiff further states that in the meanwhile there has been an amendment to the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 pursuant to the Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Act, 2016, which has come into effect from 1st September, 2016 pursuant to notification no.2142 issued on 1st September, 2016.

2 The counsel for the plaintiff states that in view of Section 26 of the Amending Act, Section 2 of the Debt Recovery Tribunal Act has under

gone some amendments. In view of the amended provisions, the counsel for the plaintiff states that this court will not have jurisdiction and the matter will have to be transferred to Debt Recovery Tribunal for further adjudication.

3 The registry to take steps to transfer the suit as well as interim applications to the Debt Recovery Tribunal within six weeks from today.

4 The Court Receiver, who has been appointed shall continue for a period of 16 weeks and in the meanwhile the plaintiff may move the Debt Recovery Tribunal for appropriate reliefs.

(K.R. SHRIRAM, J.)