

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

**CHAMBER SUMMONS NO. 1463 OF 2015
IN
EXECUTION APPLICATION NO. 240 OF 2011
IN
FOREIGN AWARD DT. 17.01.2011**

IDBI Bank Limited

.. Applicant

Vitol S.A.

.. Applicant/Award Holder

In the matter between :

Asian Natural Resources (I) Ltd.
(Bhatia International Limited)

.. Claimant/Award Debtor

Vs.

Vitol S.A.

.. Applicant/Award Holder

**WITH
NOTICE OF MOTION (L) NO. 2214 OF 2015
WITH
CHAMBER SUMMONS NO. 1447 OF 2015
IN
EXECUTION APPLICATION NO. 240 OF 2011
IN
FOREIGN AWARD DT. 17.01.2011**

Asian Natural Resources (I) Ltd.
(formerly Bhatia International Limited)

.. Applicant/Original
Claimant/Award Debtor

In the matter between :

Asian Natural Resources (I) Ltd.
(formerly Bhatia International Limited)

.. Original Claimant/
Award debtor

Vs.

Vitol S.A.

.. Original Respondent/
Award Holder

Ms.Ankita Singhania a/w. Mr.H.J. Engineer i/b Gordhandas & Fozdar for Claimant/Award Debtor, Applicant in NMSL/2214/2015.

Ms.Naira Jeejebhoy a/w. Mr.Aditya Krishnamurthy, Mr.Abraman Varughese and Ms.Zeena Golwalla i/b M/s. Bose & Mitra & Co. for applicant in CHS/1463/2015.

Mr.Vaibhav Krishna i/b AKS Legal Consultants for defendant.

CORAM : K.R.SHRIRAM, J.
DATE : 12TH APRIL, 2016

P.C.

NOTICE OF MOTION NO. 2214 OF 2015

1 This notice of motion is taken out on behalf of the Award Debtor to allow the applicant to operate 57 bank accounts which were frozen pursuant to the orders of this Court.

2 At the time of hearing of the notice of motion, the counsel for the applicant stated that they are not praying for the defendant to operate all the 57 banks accounts but what they require is to direct the HDFC Bank, Indore Branch or State Bank of Mysore, Indore Branch bank, to make the payment as stated in the affidavit in support.

3 The payments to be made are stated at Exh.'A', Exh.'B', Exh.'C' and Exh.'D' to the affidavit in rejoinder dated 5.01.2016 filed by one Khalid Baig.

4 The counsel for the Award Holder, in fairness, submitted that as an ad-interim arrangement they have no objection to payments being made as per the list given in (i) Exh.'A' except TA/DA of Mr.Khalid Baig amounting to Rs.2,63,000/-, (ii) Exh.'B' excluding the amounts payable to Bhatia Global Trading Limited – New Loan A/c. and the rent payable to G.S.Bhatia and (iii) the amounts mentioned in Exh.'C'.

As regards Exh.'D', the counsel for the Award Holder submitted that the applicant has not given any break-up or details to support the so called 'details of overdue statutory payment', as regards Sr.No.1 in the said statement.

As regards Sr. Nos.2 to 16, the applicant did not want to press for it at this point of time. As regards Sr.No.1, service tax amounting to Rs.18,57,005/-, the counsel for the applicant stated they will provide the details and also give inspection of the documents to the Award Holder, if asked for.

5 The counsel for the parties are agreeable if the HDFC Bank, Opp. Bombay Hotel, Indore Branch and/or State Bank of Mysore, Sunrise Tower, Indore Branch are permitted to and debit the following accounts and release the payments as mentioned below directly :-

HDFC Bank A/c. No. : 00360310000689

SBM A/c.No. : 54026309075

Exh. 'A'

PENDING PAYMENTS FROM ASIAN NATURAL RESOURCES (INDIA) LIMITED			
Particulars/Month	PF	ESIC	PT
March'2015	24347	611	1456
April	24347	611	1456
May	24347	611	1456
June	20861	611	1248
July	24800	725	1456
August	20995	675	1248
September	19213		1040
October	19213		1040
November	19213		1040
TOTAL	197336	3844	11440

Gratuity payment of following employees is pending:

Gratuity			
Mr. T.N. Singh	- Indore		260000
Mr. Suhas Mebawala	- Surat		70000
Mr. Shailendra Gupta	- Indore		355000
Mr. Ravi Deshpande	- Nagpur		105000
Mr. Shailendra Kothari	- Dharamtar		80000
Mr. Uday Tilloo	- Indore		345000
Gratuity Premium			17633
Total Amount			1232633

TA/DA			
Mr. Ashwin Naik			39000
Mr. Atul Soni			17100
Total Amount			56100

TDS OTHER THAN SALARY :

TDS Details				TDS	INTEREST	TOTAL	Mode of Payment
Sr.	MONTH	PARTICULARS	PAN NO	AMOUNT IN RS	AMOUNT IN RS	AMOUNT IN RS	
1	03/15/16	S. Singhai & Co. (Chartered Accountants), Indore	AAYFA0643H	16000	1500	17500	Cheque
		Ajit Jain & Co. (Company Secretaries)	ABAPJ2602E	50	8	58	Cheque
		Akshay Anand (Advocate), New Delhi	AAJPA7403Q	19800	2970	22770	Cheque
		Aparna Paricharak & Associates (Company Secretaries), Thane	AMMPP3897N	1600	240	1840	Cheque
		Account Partners LLP (Formerly Axon Partners), New Delhi	AAPFA9899Q	20350	3053	23403	Cheque
		Chitrnanjan S.Kahlon	AAFPK5895E	18333	2750	21083	Cheque
		D.D. Shah & Associates, Mumbai	ALRPS5717J	3000	450	3450	Cheque
		Dipanshu Das (Advocate), Cuttack	ADKPD8566D	2500	375	2875	Cheque
		Gaurav Trading Co.	AGMPK1071F	68201	10230	78431	Cheque
		Gordhandas & Fozdar (Regd) – (Advocates & Solicitors), Mumbai	AAAFG2408C	10500	1575	12075	Cheque
		ICRA Limited, Gurgaon, Haryana	AAACI0218B	6500	975	7475	Cheque
		Orissa Stevedorers Ltd – (Paradeep) – STC	AAACO2100L	210609	31591	242200	Cheque
		Orissa Stevedorers Ltd – (Haldia) – STC	AAACO2100L	22696	3404	26100	Cheque
		Paradeep Port Trust	AAALP0055A	53790	8069	61859	Cheque
		Ramesh M. Shah & Co. (Advocate – Income Tax & Vat Consultant), Ahmedabad	ABIPS0618R	3500	525	4025	Cheque
		Reliance Communications and Infrastructure Ltd.	AACCS2157H	3500	525	4025	Cheque
		Reliance Service & Consultancy Ltd.	AACCR2895M	8000	1200	9200	Cheque
		Satpal Singh (Advocate), Indore	AQSPS1048N	7000	1050	8050	Cheque
		Therapeuics Chemical Research Corporation	AABFT9053F	3689	553	4242	Cheque
		Vidhi Printers & Graphics	ANWPK1704C	160	24	184	Cheque
		Vijay Mehta (Chartered Accountants), Mumbai	AAAPM7646L	12000	1800	13800	Cheque
MARC- 15 Total				485778	72867	558645	
2	April -15	D.D. Shah & Associate, Mumbai	ALRPS5717J	85000	11475	96475	Cheque
		Gopal Jain (Senior Advocate), New Delhi	AAFPJ5092G	11000	1485	12485	Cheque
		Vijay Mehta (Chartered Accountants), Mumbai	AAAPM7646L	115000	15525	130525	Cheque
April- 15 Total				211000	28485	239485	
3	May- 15	Ajit Jain & Co (Company Secretaries)	ABAPJ2602E	50	6	56	Cheque
		Charvi Tours & Travels Pvt.Ltd.	AAACC7132J	6	1	7	Cheque
		Satpal Singh (Advocate), Indore	AQSPS1048N	7000	840	7840	Cheque
May- 15 Total				7056	847	7903	Cheque
4	June- 15	Satpal Singh (Advocate), Indore	AQSPS1048N	3500	368	3868	Cheque
June- 15 Total				3500	368	3868	Cheque
Grant Total				707334	102566	809900	
Penalty						79600	Cheque

EXHIBIT -C

**FOLLOWING ARE THE PAYMENT REQUIRED TO BE MADE TO
MINISTRY OF CORPORATE AFFAIRS**

S.No.	Form No.	Year	Amount	Remarks
1.	ADT – 1	2014-15	7800	Appointment of M/s. R.S. Bansal As Statutory Auditor
2.	ADT – 2	2014-15	7800	Change in Statutory Auditor to M/s. A. Singhai & Co.
3.	ADT – 1	2015-16	7800	Appointment of M/s. A. Singhai & Co. Statutory Auditor
4.	Form – 23AC XBRL & 23 ACA XBRL	2014-15	7800	Filing of Annual Account of 2013-14
5.	MGT – 14	2015-16	7800	Filing of adoption of Directors Reports & Financials for FY 2014-15
6.	Form – AOC 4 XBRL	2015-16	600	Filing of Annual Account of 2014-15
7.	Form – MGT – 7	2015-16	600	Filing of Annual Return of 2014-15
8.	DIR – 12	2015	7800	Regularization of Director in AGM held on September
Total			48000	

Additional Fees for

1.	Form – AOC 4 XBRL	2015-16	6000	Filing of Annual Account of 2014-15
2.	Form – MGT – 7	2015-16	3600	Filing of Annual Return of 2014-15
Total			9600	
Grand Total (48000+9600)			57600	

6 After the amounts are paid, the banks to provide to the Award Holder's advocates, a copy of the bank statement disclosing the balance before payment and balance after payment. The Bank may either make the payments directly to the concerned authority or issue Pay Orders/Bankers' cheque and forward it to the concerned authorities under advise to the Advocate for Award Holder.

7 The Notice of Motion to be listed for further hearing in due course.

This order is passed without prejudice to the rights and contentions of the parties.

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8 This Court, by an order dated 29th April 2015 read with the order dated 11th September 2015 had directed the Award Debtor not to operate 57 Bank Accounts and also directed the Bank in which 57accounts are held, not to allow the Award Debtor to operate the accounts.

9 The applicant in this chamber summons is IDBI Bank who has applied for modifying the said order dated 29th April 2015 read with order dated 11th September 2015 to the extent that the applicant be permitted to accept and appropriate the payments received and deposited by the Award Holder in the accounts with them which are mentioned as under :

(i) 001103000003995

(ii) 001655100000091

(iii) 513103000000037

10 According to the applicant, they are one of the secured lenders of the Award Debtor and the Award Debtor also the owes a substantial amount of money.

11 After the matter was argued for some time, the counsel for the applicant, on instructions, makes a statement that the applicant will file an undertaking of the applicant signed by a person not below the rank of General Manager to bring all the monies back from the above three bank accounts together with such amount of interest as directed by the Court within 72 hours of the order being passed by this Court directing the applicant to bring bank the monies.

12 The counsel, on instructions, further states that this undertaking will be filed within one week from today with copy to the advocates for the Award Holder. The counsel further undertakes, on instructions, that as and when any amount is deposited in these three bank accounts by the Award Debtor, the applicant will inform within one week to the advocates for the Award Holder, the amount deposited and from whom and from which bank the amount has been received. The undertakings are accepted and so ordered.

13 The applicant to also provide to the advocate for Award Holder a break up/statement of accounts payable by the Award Debtor to the applicant and if any amount has been adjusted against those outstanding, as and when an adjustment is made. It is clarified that the applicant is only

permitted to accept and appropriate the accounts payable to the applicant against the outstanding and it will not permit the Award Debtor to operate three bank accounts.

14 In view of the above, the chamber summons accordingly disposed without prejudice to the rights and contentions of the parties.

(K.R. SHRIRAM, J.)