

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

PETITION [L] NO. 314 OF 2017

IN

COMM. SUIT [L] NO. 635 OF 2017

Vistra ITCL (India) Limited (formerly IL&FS	]	
Trust Company Limited)	]	Plaintiff
Vs.		
Ansal Properties and Infrastructure Limited	]	
and others.	]	Defendants

.....

Karl Tamboly with Bhalchandra R. Palav with Saloni Kapadia, i/b Cyril Amarchand Mangaldas, for petitioner/plaintiff.

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CORAM : K.K. TATED, J.
DATED : 10th November, 2017.

P.C. :

Heard Mr. Tamboly, learned Counsel for the petitioner.

2. By this Leave Petition under clause 12 of Letters Patent, the petitioner is seeking liberty to file commercial suit in this Hon'ble Court. He submits that as per terms and conditions of Master Trust and Retention agreement dated 2nd September, 2014 in relation to the project at Exhibit F [page 220],` account was opened in Bombay. He submits that this fact is stated by the petitioner in paragraph 18 of the plaint, page 20 and 21.

3. Considering the submission made by learned Counsel for the petitioner and averments made in paragraph 18 of the plaint, I am satisfied that the petitioner has made out a case for allowing this Petition.

: O R D E R :

[1] Petition is allowed in terms of prayer clause (a) which reads thus:

“(a) That Leave be granted to the Petitioner to file a suit in this Hon'ble Court in accordance with Clause XII of the Letters Patent against the Respondents abovenamed in order that this Hon'ble Court will have jurisdiction to entertain, try and dispose of the said suit”.

[2] Petition is disposed of accordingly.

(K.K. TATED, J.)