

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

**ARBITRATION PETITION NO. 1472 OF 2015
WITH
CONTEMPT PETITION NO. 77 OF 2015
WITH
RESTORATION APPLICATION NO. 944 OF 2015
IN
ARBITRATION PETITION NO. 1472 OF 2015**

M/s. Seatek India

.. Petitioner

Vs.

1. Kuldeep Enterprises (Proprietary Firm)

2. Mr.Jaishankar Mishra (Proprietor)

.. Respondents

Mr.Sudhan Yeshwant Amare for petitioner.

Mr.Mridul Kumar i/b R.M. Pande & Co. for respondent Nos.1 and 2.

CORAM : K.R.SHRIRAM, J.

DATE : 9TH NOVEMBER 2017

P.C.

1 Counsel for petitioner states that in the disclosure affidavit filed by respondents, complete bank details have not been provided. In other words, counsel states that respondents should have atleast filed bank statements from 2010 onwards when the contract which is the subject matter herein, was entered into between petitioner and respondents.

2 Respondents to file further affidavit giving photocopies of the bank statements from 1st April 2010 until 31st October 2017. Respondents shall

also file copies of the Annual Returns for the financial years 2014-15, 2015-16 and 2016-17 duly certified as 'true copy' by the Auditor through whom it was filed. If any assets are encumbered, respondents shall also annex copies of those documents supporting encumbrance. These affidavits to be filed within two weeks.

2 Stand over to 30th November 2017.

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3 Heard the counsel for petitioner. According to petitioner, respondents have committed willful breach of the order dated 8th April 2015 and are guilty of contempt of Court. It is the case of petitioner that respondent no.3 was directed to disclose the assets both encumbered and unencumbered including particulars of their bank accounts and balance as on date as also receivables from ABG Shipyard Ltd. in that affidavit. The affidavit was directed to be filed within two weeks from the date of order. According to petitioner, respondents did not file the affidavit within two weeks and further the affidavit does not contain entire details of bank accounts.

4 The fact is respondents have filed an affidavit. Whether the affidavit contains entire details or not can be considered only when the matter is considered in detail. Moreover, today, respondents have been directed to file

further affidavit giving more details.

5 In the circumstances, for the moment, I cannot conclude even *prima-facie* that respondents are in willful disobedience of the order dated 8th April 2015.

6 Contempt Petition, therefore, dismissed.

(K.R. SHRIRAM, J.)