

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 513 OF 2018

IN

EXECUTION APPLICATION NO. 28 OF 2015

BANDWIDTH SHIPPING CORPORATION., ... Applicant

Versus

NATIONAL CENTRE FOR ANTARCTIC AND
OCEAN RESEARCH., ... Respondent

Adv. Divya Hirawat with Adv. Asha A. Desai for the Applicant.
Adv. M.U. Kenkre with Adv. N. Desai for Respondent.

Coram:- C. V. BHADANG, J.

Date:- 13th December 2018

P.C.:

I have heard the learned counsel for the applicant and the learned counsel for the respondent on 12/12/2018. Perused record.

2. This application is filed by the applicant/decreed holder for modification of the order dated 6/12/2016 passed by this Court in Execution application no.28/2015. By the said order, this Court had directed the amount deposited before this court to be released in favour of the decree holders and to deliver the cheque to the duly authorized representative for the applicant/decreed holder. Incidentally, the execution application was filed by the

applicant through one Leon Lobo as its authorized representative. Thus, the order dated 6/12/2016 contemplated issuance of the cheque in favour of the application/decreed holder which was to be handed over to the authorized representative, Mrs. Leon Lobo.

3. The present application is filed on the basis of a Resolution of the Board of Directors of the applicant dated 5/1/2018, by which one Mr. Ajayan Sahadevan of Mumbai has been authorized and empowered to do certain acts as set out in para 1 to 6 of the resolution. It appears that on the basis of the same, a Power of Attorney is executed by Mr. Thomas Weber, one of the Directors of the applicant in favour of Mr. Ajayan Sahadevan on 5/1/2018. Neither the Minutes of the Meeting of the Board of the Directors dated 5/1/2018 nor the Power of Attorney sets out any specific authority to withdraw the amount from the Court on behalf of the applicants. That apart, the resolution also does not show that the authority granted to Mr. L. Lobo under whose signature the execution application was filed has been withdrawn or otherwise.

4. There is still a third aspect to the matter. By the present application for modification, the payment is sought in favour of M/s. Dunmorr Sett, Advocates, Mumbai. There is no specific authorization by Board of Directors in favour of M/s. Dunmorr

Sett, Advocates, Mumbai. The authorization in favour of Mr. Ajayan also does not show that he has been specifically authorized to withdraw the amount or to delegate the authority any further. In that view of the matter, the application is disposed off with liberty to the applicant to file a properly constituted application supported by a specific Board Resolution authorizing the acceptance/withdrawal of amount from the Court on behalf of the applicant/deed holders.

C. V. BHADANG, J.

ap/-