

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**COMMERCIAL NOTICE OF MOTION NO.88 OF 2017
IN
COMMERCIAL SUIT NO.114 OF 2017**

M/s. Sea Linkers Private LimitedApplicants/Plaintiffs
Vs.

M/s. Swiber Offshore (India) Pvt. Ltd. and Ors.Defendants
WITH

**COMMERCIAL NOTICE OF MOTION NO.89 OF 2017
IN
COMMERCIAL SUIT NO.124 OF 2017**

**WITH
COMMERCIAL NOTICE OF MOTION NO.90 OF 2017
IN
COMMERCIAL SUIT NO.127 OF 2017**

**WITH
COMMERCIAL NOTICE OF MOTION NO.91 OF 2017
IN
COMMERCIAL SUIT NO.126 OF 2017**

Mr. Gandhar Ulhas Raikar for applicants/plaintiffs in all notices of motion.
Ms. Aausi Shah I/b. India Law LLP for Liquidator appointed for defendant no.1.

Mr. Prakash Shinde I/b. MDP and Partners for defendant no.3. in NMCD/88/2017, NMCD/89/2017, for defendant no.4 in NMCD/90/2017 and for defendant no.2 in NMCD/91/2017.

Mr. Arjun Gupta I/b. Nishith Desai Associates for defendant nos.2 and 3 in NMCD/90/2017.

Mr. Shanay Shah, Amicus Curiae present.

**CORAM : K.R.SHRIRAM, J.
DATE : 8th FEBRUARY 2019**

P.C.:

1 Liquidator of defendant no.1 is present in Court who states that the liability of plaintiff has been admitted by the Liquidator. Mr. Raikar states that defendant no.2 is also in liquidation and under judicial

management of Singapore High Court.

2 In the circumstances, keeping open the rights of plaintiffs to pursue its claim with the Liquidator of defendant no.1 and with the Court in Singapore, the suit stands disposed. All interim applications also stand disposed.

3 Mr. Shanay Shah has been appointed as Amicus Curiae to assist the Court in this matter because as to whether leave of NCLT is required to prosecute this suit was an issue. Now that the suit itself has been disposed with the liberty granted in this order, the issue for which Mr. Shanay Shah was appointed to assist the Court is no more relevant. The Court has to, at the same time, acknowledge the assistance of Mr. Shanay Shah who made certain submissions before the decision to dispose the suit was taken.

(K.R. SHRIRAM, J.)