

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

INTERIM APPLICATION NO.311 OF 2022

IN

COMMERCIAL SUMMARY SUIT NO.126 OF 2021

Reliance Capital Ltd. .. Applicant–Org. Defendant

In the matter between

Housing Development Finance Corporation Ltd. .. Plaintiff

Vs.

Reliance Capital Ltd. .. Defendant

Mr. Tushad Kakalia, with Ms. Raghavi Sharma and Mr. D.J. Kakalia, i/by Mulla & Mulla & Craigie Blunt & Caroe, for the Applicant–Original Defendant.

Mr. Chirag Kamdar, with Ms. Jasmine Kachalia, Ms. Nanki Grewal and Mr. Aryan Srivastava, i/by Wadia Ghandy & Co., for Assets Care & Reconstruction Enterprises Ltd.

CORAM : A. K. MENON, J.

DATE : 7TH MARCH, 2022.

P.C. :

1. The relief sought in this IA is identical to that sought in IA/323/2022 in COMSS/84/2021, which I have disposed today. This IA seeks a relief of vacating an ad-interim order passed by this court on 5th March 2021. The plaintiff in this case is HDFC Ltd. and there is only one defendant, which is the Corporate Debtor ('Debtor'). The Debtor was defendant no.2 in Commercial Summary Suit No.84 of 2021. The relief sought is identical.

2. Mr. Kakalia has adopted all the submissions made by Mr. Joshi in

COMSS/84/2021 and Mr. Kamdar has adopted submissions made by Dr. Saraf while opposing the application.

3. On facts and to the extent it concerns the order that is sought to be vacated, there is a difference inasmuch as the order passed by this court on 5th March 2021 in the above suit was passed after the defendant filed an affidavit-in-reply and after hearing the Advocate for the defendant on the basis of their prima facie defence.

4. In my view, the relief sought in this IA cannot be granted for reasons already set out in my order of even date in IA/323/2022 and in the result, I pass the following order :-

- (i) Interim Application is dismissed.
- (ii) No order as to costs.

(A.K. MENON, J.)