

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

INTERIM APPLICATION NO.2518 OF 2020
IN
COMMERCIAL SUIT NO.298 OF 2020

Yes Bank Ltd.

...Applicant/Defendant No.1

In the matter between:-

Ocean Deity Investment Holdings

Ltd, PCC & Anr.

...Plaintiffs

Versus

Yes Bank Ltd. & Ors.

...Defendants

* * * *

Ms. Gathi Prakash a/w. Ms. Arushi Poddar i/by Cyril Amarchand
Mayabdas for Applicant/Defendant No.1.
Adv. Vividh Tandon a/w Mr. Prakshal Jain i/by Trilegal for
Plaintiffs.

* * * *

CORAM : R.I. CHAGLA, J.

DATED : 30th AUGUST, 2022

ORDER :

1. Heard learned counsel for the parties.
2. By this Interim Application, the Applicants/Defendant No.1 is seeking condonation of delay of 15 days in filing the written statement and for granting leave to the Applicant/Defendant No.1 to file the written statement. The Applicant/Defendant No.1 has

stated that there is a delay of 15 days from 28th February 2020 to 13th March 2020 for filing the written statement. The Applicant/Defendant No.1 has stated that vide order dated 28th January 2020, the learned counsel appearing for the Defendants has waived service of writ of summons. The written statement was to be filed 30 days from the date of the said order. The Applicant/Defendant No.1 found it difficult to procure and collate necessary documents and information pertaining to the impugned Term Loans I to VI including details regarding their repayment and assignment. The Applicant/Defendant No.1 was advised that inclusion of the said information and documents in the written statement was necessary to effectively put forth its defense.

3. Thus, considerable number of days was spent in procuring necessary information and documents for preparing the written statement, particularly considering that the Officers In charge of disbursing the impugned Term Loans I to VI were no longer associated with the Applicant/Defendant No.1. Thereafter, by notification dated 5th March 2020, issued by the Ministry of Finance, Government of India, Order of Moratorium was issued in respect of the Applicant/Defendant No.1 on 5th March 2020 up to and inclusive of 3rd April 2020. The Order of Moratorium stayed

the continuance of all actions and proceedings against the Applicant/Defendant No.1. Covid-19 pandemic was also declared and due to the Covid-19 pandemic, there was nationwide lockdown and the Applicant/Defendant No.1 was unable to proceed in the matter in filing the written statement in time. The Applicant/Defendant No.1 has stated that this Interim Application is filed within the period of 90 days from the expiry of additional 30 days i.e. within 90 days from 27th February 2020.

4. Thus, after taking into account, the extension of limitation by the order of the Supreme Court dated 23rd March 2020 w.e.f. 15th March 2020 till 28th February 2022, the present Interim Application has been filed seeking condonation of delay, if any, in filing the written statement.

5. The learned counsel appearing for the Plaintiffs has no objection to the relief sought for in the Interim Application being granted.

6. Having considered the averments in the Interim Application as well as noting the fact that due to Covid-19 pandemic, there has been an extension of the period of limitation including for filing of the written statement by the order of the

Supreme Court dated 23rd March 2020, the relief sought for in the Interim Application requires to be granted. There is a delay of 15 days in filing of written statement i.e. from 28th February 2020 till 13th March 2020. Hence, the following order is passed:-

- (i). The delay of 15 days in filing the written statement is condoned.
- (ii). The Applicant/Defendant No.1 is permitted to file the written statement and the Registry shall accept the written statement as and when filed, provided it is filed within a period of two weeks from the date of uploading of this order.
- (iii). It is noted that this Interim Application has been wrongly tagged with Interim Application No.3704 of 2022 and the Registry shall de-tag the same.
- (iv). The Interim Application is disposed of in the above terms.

(R.I. CHAGLA, J.)