

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL APPELLATE DIVISION
REVIEW PETITION (L) NO. 28037 OF 2022
IN
INTERIM APPLICATION (L) NO. 13971 OF 2021
IN
COMMERCIAL APPEAL (L) NO. 13433 OF 2021
IN
INTERIM APPLICATION (L) NO. 5001 OF 2021
IN
COMMERCIAL SUIT (L) NO. 4998 OF 2021
WITH
INTERIM APPLICATION NO. 3954 OF 2022**

Bank of Baroda

...Appellant

Versus

Everfame Construction Pvt Ltd & Ors

...Respondents

ASHWINI
HULGOJI
GAJAKOSH

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ASHWINI HULGOJI
GAJAKOSH
Date: 2022.11.18
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**WITH
COMMERCIAL APPEAL NO. 101 OF 2022
IN
INTERIM APPLICATION (L) NO. 4997 OF 2021
WITH
COMMERCIAL APPEAL NO. 115 OF 2022**

Everfame Construction Pvt Ltd & Anr ...Appellant
Versus
Bank of Baroda through Authorized Officer & Ors ...Respondents

WITH
COMMERCIAL APPEAL (L) NO. 31320 OF 2022
IN
INTERIM APPLICATION (L) NO. 29337 OF 2022
IN
COMMERCIAL SUIT (L) NO. 4998 OF 2021
WITH
INTERIM APPLICATION (L) NO. 5001 OF 2021

Bank of Baroda ...Appellant
Versus
Everfame Construction Pvt Ltd & Ors ...Respondents

WITH
REVIEW PETITION (L) NO. 28012 OF 2022
IN
INTERIM APPLICATION (L) NO. 13990 OF 2021
IN
COMMERCIAL APPEAL (L) NO. 13231 OF 2021
IN
INTERIM APPLICATION (L) NO. 4997 OF 2021
IN

COMMERCIAL SUIT (L) NO. 4995 OF 2021

Bank of Baroda ...Appellant
Versus
Everfame Construction Pvt Ltd & Ors ...Respondents

Mr Nitin Thakkar, Senior Advocate, with HP Kar, i/b Interjuris,
for the Petitioner in both RPCA and Appellant in both Appeals.
Mr Rohaan Cama, with Prasad Sarvankar, i/b Chaitanya Nikte, for
Respondents Nos. 1&2 in both RPCA.
Mr Mukesh Vashi, Senior Advocate, with Yogesh Naidu, Aditya
Bhatt, i/b Bespoke Legal, for Respondents Nos. 3,4&5 in both
RPCA.
Mr Piyush Raheja, with Sita Kapadia, Umang Thakar & Anusha
Guthi, i/b Keystone Partners, for Respondent No. 6 in both
RPCA.

CORAM G.S. Patel &
Gauri Godse, JJ.
DATED: 30th September 2022

PC:-

1. By our order of 27th September 2022, we required Respondents Nos. 3, 4 and 5 to bring an amount of Rs. 19 crores into Court by today. Today, these Respondents do not have the money. What they do have is representation by Mr Vashi.

2. There is some tentative proposal between Mr Thakkar for the Review Petitioners and Mr Vashi for these three Respondents. This may address the entire issues. If it does, there is a possibility that five litigations (perhaps more) will be resolved not only here but

possibly in the DRT/DRAT also. Mr Vashi will need time to take specific instructions. From Mr Thakkar we would like a listing of the flats that have been sold by the Bank of Baroda in enforcement (or partial enforcement) of its mortgage debt. Where sale certificates have been issued, the names of the auction purchasers will be required going forward. Their personally identifiable information is not to be put on record at this stage, though Mr Thakkar's attorneys may keep it ready.

3. List the matter on Monday, 3rd October 2022.

(Gauri Godse, J)

(G. S. Patel, J)

Note: This order is modified as per order dated 18th November 2022. The corrections are shown in bold, italics and underlined in the cause title.