

Bharat Kishormal Shah	...	Appellant
<i>Versus</i>		
Yes Bank Ltd. And Ors.	...	Respondents

Dr. Birendra Saraf, Senior Advocate with Mr. Ashish Kamat, Mr. L.N.Nankani, Mr. Rohan Sawant, Mr. H.S.Khokhawala i/by Nankani and Associates, for Appellant.
Mr. Zal Andhyarujina, Senior Advocate with Ms. Gathi Prakash, Ms. Nidhi Asher i/by Cyril Amarchand Mangaldas, for Respondent No.1.
Mr. Chetan Kapadia with Mr. Rahul Sardar, Ms. Riya Thakkar, Mr. Chirag Sarawagi i/by Mr. Tushar Goradia for Appellant in COMAPL 29083 OF 2021, for Respondent Nos.2, 3, 4, 8 and 9.
Mr. Chirag Mody with Mr. Nikunj Mehta i/by Mr. Joaquim Fernandes, for Respondent Nos.6 and 7.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE: 8th MARCH, 2022

P.C.:

1. The Appellant-Bharat Kishormal Shah has addressed letters to M/s. Sumer Corporation and M/s. Sumer Builders retiring from the said firms with immediate effect, copies whereof are also marked to the Registrar of Firms, Mumbai.
2. Accordingly, Bharat Kishormal Shah stands retired as a partner from

M/s. Sumer Corporation and M/s. Sumer Builders as recorded in the said letters dated 8th March 2022. The Registrar of Firms shall record such retirement within 3 working days from the date of receipt of this Order without requiring any further forms being filed.

3. The Appellant- Bharat Kishormal Shah and Respondent No. 1-YES Bank Ltd. have tendered Consent Minutes of Order dated 8th March 2022. The said Consent Minutes of Order dated 8th March 2022 are taken on record and marked 'X' for identification. There shall be order in terms of the said Consent Minutes of Order dated 8th March 2022.

4. Loonkar Group has no objection to the retirement of Bharat Shah from M/s. Sumer Corporation and M/s. Sumer Builders. This arrangement is without prejudice to the rights and contentions of the Loonkar Group in the pending Commercial Suit (L) No. 5374 of 2021, Commercial Appeal (L) No. 29740 of 2021 and pending Arbitration proceedings.

5. The retirement of Mr. Bharat Shah from M/s Sumer Builders & M/s Sumer Corporation will not be challenged by the Ramesh Shah Group. This statement is made for the limited purpose of assuring Yes Bank Limited so as to ensure that the NOC in favour of Mr. Bharat Shah takes effect and remains operative. However, all contentions available as a result of such retirement will not be prejudiced or affected and remain available to the Ramesh Shah Group.

6. In view of this order, Commercial Appeal No.2 of 2022, Commercial Suit No.319 of 2020 and all Interim Applications therein, stand withdrawn and are disposed of as such.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)