

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1379 OF 2020
WITH
INTERIM APPLICATION NO. 43 OF 2023
IN
WRIT PETITION NO. 1379 OF 2020
WITH
INTERIM APPLICATION NO. 17161 OF 2022
IN
WRIT PETITION NO. 1379 OF 2020

Shirdi Country-Inns Pvt Ltd & Ors ...Petitioners
Versus
Union of India through Joint Secretary Ministry ...Respondents
of Law and Justice & Ors

**Mr Zal Andhyarujina, Senior Advocate, with Ishani Khanwilkar,
Tasneem Zariwala & Rushab Chopra, i/b Vidhii Partners, for the
Petitioners.**
**Mr Mohamedali M Chunawala, with Anil Yadav, i/b AA Ansari, for
Respondent No. 1.**
Mr Viraj Parikh, i/b NI Bakali, for Respondent No. 2.

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**CORAM G.S. Patel &
S.G. Dige, JJ.**
DATED: 17th January 2023

PC:-

INTERIM APPLICATION NO. 43 OF 2023:

1. Interim Application No. 43 of 2023 is for amendment. The Interim Application is made absolute. Amendment is to be carried out by Monday, 23rd January 2023 without need of reverification. A copy of the amended *Writ Petition* is to be served on the Respondents by 27th January 2023.

2. We make it clear that we have only allowed the amendment. We have not by this order allowed the unfreezing of any account of the Petitioners.

INTERIM APPLICATION NO. 17161 OF 2022:

3. Interim Application No. 17161 of 2022 seeks a disclosure of documents listed in a table below paragraph 14 at pages 9 and 10. The Interim Application is opposed. We are also unable to see how documents that pertain to the Petitioner's company, statutory orders, audit reports, statutory auditors and the Reserve Bank of India can possibly be kept away from disclosure to a Court of law.

4. We not only require a disclosure to be made by 20th January 2023, but we require the disclosed documents to be included in the amendment that we have permitted so that it forms part of the Petition.

5. As regards the merits of the amendment and the disclosures, we expressly leave all contentions open. The Petitioners will not claim any equities on the basis that the disclosures have been permitted. We are making it clear that we require the documents so that it cannot be said at a later stage that some material was not considered or taken into account by the Court. Once contentions are kept open, no prejudice can conceivably be caused to the 2nd Respondent.

6. A Further Affidavit in Reply to the amended Petition (including the newly disclosed documents, their relevancy and applicability or otherwise to the Petitioners) is permitted by 10th February 2023.

7. This Petition has been pending since 2019 or 2020. Prima facie, it appears to us that the question of law is indeed narrow. List the Petition peremptorily for hearing and final disposal on 22nd February 2023 at 2.30 pm.

8. Affidavits in Reply to the two Interim Applications now disposed of are to be filed in the Registry.

(S.G. Dige, J)

(G. S. Patel, J)

Note: This order is modified as per order dated 3rd February 2023 passed on a praecipe. The corrections are shown in bold, italics and underlined in paragraph 1.