

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.833 OF 2015

HSBC PI Holdings (Mauritius) Limited
(previously named HPEIF Holdings 1 Limited) ... Petitioner
Vs.
Avitel Post Studioz Limited and others ... Respondents

WITH
NOTICE OF MOTION NO.2475 OF 2016

Mr. Rohan Rajadhyaksha a/w. Ms. Priyanka Shetty, Mr. Dhaval Vora i/b. AZB & Partners for Petitioner.

Mr. Haresh Jagtiani, Senior Advocate a/w. Mr. Suprabh Jain, Mr. Pushpvijay Kanoji, Mr. Sumeet Nankani, Mr. Faran Khan, Mr. Sanjay Agarwal, Mr. H. K. Sudhakara, Ms. Aishwarya Kantawala and Ms. Diya Jayan i/b. Prompt Legal for Respondent No.1.

Mr. Shran Jagtiani, Senior Advocate a/w. Mr. Sumeet Nankani, Mr. Faran Khan, Mr. Sanjay Agarwal, Mr. H. K. Sudhakara, Ms. Aishwarya Kantawala and Ms. Diya Jayan i/b. Prompt Legal for Respondent Nos.2 to 4.

CORAM : MANISH PITALE, J.
DATE : APRIL 25, 2023

P.C. :

. By a separate judgement and order passed today, the petition has been allowed in terms of prayer clause (a) and this Court has observed that the petitioner shall now take necessary steps for enforcement / execution of the foreign award.

2. At this stage, learned counsel appearing for the petitioner has invited attention of this Court to the order dated 09.09.2022 passed by the Supreme Court in Contempt Petition (C) No.624 of 2020 in C. A. No.5158 of 2016, which was a contempt proceeding initiated against the respondents herein. The Supreme Court in the said order observed as follows:-

“ It is also clarified that the order of attachment already passed earlier vide Order dated 02.09.2022 is directed to be continued till the disposal of the execution proceedings. We

also direct that the execution proceedings be disposed of at the earliest and preferably within a period of 3 months from today.”

3. The order dated 02.09.2022 of the Supreme Court specifically refers to the movable and immovable properties of the respondents that stood attached.

4. It is clarified that the order of attachment so directed against the respondents shall continue to operate during the pendency of the proceedings for execution to be undertaken by the petitioner. This would necessarily entail the respondents placing on record disclosure affidavits as regards their properties. The disclosure affidavits be placed on record within four weeks from today.

(MANISH PITALE, J.)

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