

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 21909 OF 2023

Kishore Biyani ...Petitioner
Versus
Bank of India & Anr ...Respondents

Mr Darius Khambata, Senior Advocate, Ashish Kamat, Senior Advocate, with Tushar Hathiramani, Abhishek Kale, Siddharth Ratcho, Arya Bile, i/b Naik Naik & Co., for the Petitioner.
Mr Sairam Subramanian, Bhavika Deora & Ananya Nair, for Respondent No. 1.
Mr Karl Tamboly, with Mily Ghoshal, Ritika Vijay, for Respondent No. 2.

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**CORAM G.S. Patel &
 Neela Gokhale, JJ.**
DATED: 11th August 2023

PC:-

1. The Petition can be disposed of immediately in view of the instructions that Mr Tamboly has received after conferring with his client, the 2nd Respondent and in particular, one Dilip Dixit of the 2nd Respondent. Mr Dixit agrees that it would be more appropriate, prudent and in the fitness of things, but without admitting any wrongdoing on his part, if he and his firm, GD Apte & Co, were to decline the appointment as forensic auditors on behalf of the Bank of India, the 1st Respondent.

2. We believe that this to be entirely correct and indeed appropriate. We accept the submission made by Mr Tamboly that neither Mr Dixit nor his firm nor any other accounting consultancy in which Mr Dixit has an executive position will act as a forensic auditor for the 1st Respondent *in respect of the Petitioner*.

3. No further orders are required in the Petition.

4. The Petition is disposed of in these terms. There will be no order as to costs.

(Neela Gokhale, J)

(G. S. Patel, J)

Note: This order is modified as per order dated 29th September 2023. Corrections are shown in bold and italics.