

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**CAO NO.905 OF 2023 IN
MISC. CIVIL APPLICATION NO.1319 OF 2015**

Integrated Sales Services Ltd., Hong Kong, Thro. P.O.A. Mr. M. Bharath S/O. B.K. Muralidhara
Vs

Dmc Management Consultants Ltd., New Delhi, Thro. Director, Shri. Vinod Vinayak Muley And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.P. Dharmadhikari, Sr. Advocate a/b Shri D.V. Chauhan, Adv. for the applicant/s

Shri N.T. Mathew, Advocate for the non-applicant No.1

Shri S.V. Manohar, Sr. Advocate a/b Shri Masood Shareef, Shri G.B. Sawal & Shri Yash Kataria, Advocates for the non-applicant Nos. 2 and 3

Shri S. Dewani, Advocate for the non-applicant No.4

Shri D.P. Satawalekar, Registrar (Judicial) as Court Receiver

CORAM : ANIL S. KILOR, J.

DATE : 17.07.2023

1. This Court vide order dated 13.01.2022 allowed the Civil Application No.769 of 2021 moved by the applicant-Integrated Sales Service Limited and it was directed that the amount of Rs.2,42,67,479/- with interest accrued thereon be transferred to the account of Mr Bharath M., the power of attorney holder of the applicant, subject to the final outcome of the review petition, which was pending before the Hon'ble Supreme Court of India and subject to furnishing bank guarantee of the equivalent amount.

2. Shri Dharmadhikari, learned Sr. Advocate appearing for the applicant points out that the review petition came to be dismissed, therefore, the condition of furnishing bank guarantee maybe dispensed with.

3. Shri Manohar, learned Sr. Advocate for the non-applicant No.2 is not disputing the above referred fact of dismissal of review petition.

4. In the above referred backdrop, as the Hon'ble Supreme Court of India vide order dated 05.07.2023, dismissed the review petition preferred by the Shri Arun Upadhyay, seeking review of the order dated 10.08.2021, I am of the opinion that the present application needs to be allowed.

5. Accordingly, the application is **allowed** and thereby the order dated 13.01.2022 is modified by dispensing with the condition of furnishing bank guarantee of equivalent amount of Rs.2,42,67,479/-

6. The apostille of the power of attorney filed on record, is marked as Article 'X' for the purpose of identification.

7. The applicant has given bank account details in paragraph 5 of the application, the amount shall be transferred to the said account, in pursuance to the order dated 13.01.2022.

8. The application is **disposed** of accordingly.

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9. Shri Manohar, learned Sr. Advocate for the non-applicant No.2 makes a statement that the affidavit of asset and liability for the year 2023 shall be filed within three weeks from today.

10. Stand over to **07.08.2023**.

[ANIL S. KILOR, J.]