

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL APPEAL NO.1157 OF 2024

Golden Peace Hospitality Pvt. Ltd.

.... Appellant

Versus

The State of Maharashtra
(Through EOW, Mumbai) and Ors.

.... Respondents

***WITH
INTERIM APPLICATION NO.4483 OF 2024
IN
CRIMINAL APPEAL NO.1157 OF 2024***

Prada Sadhu Shetty

.... Applicant

IN THE MATTER BETWEEN :

Golden Peace Hospitality Pvt. Ltd.

.... Appellant

Versus

The State of Maharashtra
(Through EOW, Mumbai) and Ors.

.... Respondents

.....

Mr.Rao i/b. Mr.Rahul Arote, Advocate for the Appellant.

Mr.Paarth Singh i/b. Mr.Manoj S., Advocate for Respondent
Nos.3 and 4.

Mr.Sachin Mhatre a/w. Ishita Kamath i/b. M/s. Mhatre Law
Associates, Advocate for the Intervenor.

PI Amrut Pawar, EOW Unit 8, Mumbai, present.

Mr.J.P. Yagnik, APP for Respondent – State.

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***CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATED : 13th NOVEMBER, 2024.

P.C. :

1. Mr.Yagnik, learned APP appearing for the Competent Authority seek some time to file his reply affidavit.

Similarly, learned counsel Mr.Singh has marked his appearance for Respondent Nos.3 and 4, and we directed Mr.Rao, the learned counsel for the Appellant to serve the copy of the Appeal upon the learned counsel.

An Intervention Application is filed by Prada Shetty, the investor and though we are handed over physical copy of the Intervention Application, the same is not on Board today.

Mr.Rao is also desirous of dealing with the Intervention Application and as the copy of the same is received by him, let the counsel for the intervener furnish the copy of the Intervention to all the concerned, which shall include the Competent Authority also.

2. At the request of Mr.Yagnik, learned APP, we deem it appropriate to re-notify the Appeal on 25.11.2024 with an expectation that on or before 21.11.2024, the reply affidavit shall be filed by the Competent Authority as well as Respondent Nos.3 and 4 with an advance copy shall be served upon the Appellant.

3. Since we have informed by Mr.Rao, the learned counsel for the Appellant that in the wake of the impugned order passed by the Designated Court under MPID Act on 26.09.2024, while rejecting the Miscellaneous Application, which has sought

release of attachment of hotel Fidalgo, certain directions are issued and which include the direction to the Competent Authority to fix the date for public auction of Hotel Fidalgo by advertising in all leading newspapers of Goa and Mumbai, so as to invite bidders with liberty also been conferred upon the Applicant to participate in the auction.

On instructions, Mr.Yagnik make a submission that, the directions as regards Clause No.9 in the order dated 26.09.2024, is not yet implemented.

In the wake of this scenario, since till the time we receive the reply affidavit from the contesting Respondent, we deem it appropriate that the Competent Authority shall not act in terms of the directions as regards Clause No.9 in order dated 26.09.2024, till 25.11.2024, since we have directed listing of the Appeal on that date.

Re-notify to **25.11.2024**. To be listed on Supplementary Board.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)