

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPEAL NO. 20 OF 2016

M/S. STAR GRAIN AND SHIPPING PVT. LTD.)
AND ANOTHER)...APPELLANTS

V/s.

CHETAN DALAL AND OTHERS)...RESPONDENTS

WITH
INTERIM APPLICATION (I) NO. 22824 OF 2023
IN
COMPANY APPEAL NO. 20 OF 2016

WITH
INTERIM APPLICATION (I) NO. 25984 OF 2022
IN
COMPANY APPEAL NO. 20 OF 2016

WITH
INTERIM APPLICATION (L) NO. 10956 OF 2021
IN
COMPANY APPEAL NO. 20 OF 2016

WITH
COMPANY APPEAL NO. 102 OF 2015

M/S. K. C. AGRO PVT. LTD. AND ANOTHER)...APPELLANTS

V/s.

CHETAN DALAL AND OTHERS)...RESPONDENTS

WITH
INTERIM APPLICATION (L) NO. 24266 OF 2024
IN
COMPANY APPEAL NO. 102 OF 2015

Mr. Kevic Setalvad, Senior Advocate a/w. Mr. Malcolm Siganporia,
Mrs. Monisha Mane and Mr. Ashutosh Agarwal i/by Parinam Law,
Advocate for the Applicants in IAL/22824/2023 and for the Appellants
in COAPP/20/2016.

Mr.Haresh Jagtiani, Senior Advocate a/w. Mr.Yashpal Jain, Ms.Vandana Mehta and Ms.Jahnavi vora i/by Mr.Yashpal Jain, Advocate for the Respondent no.1 in COAPP/20/2016 and for the Respondent no.12 in COAPP/102/2015.

Mr.Malcolm Siganporia a/w. Mr.Hormuz Mehta, Mr.Ahsan Allana i/by J. Sagar Associates, Advocate for the Appellants in COAPP/102/2015.

CORAM : ABHAY AHUJA, J.

DATE : 22nd NOVEMBER 2024

PC. :

1. Pursuant to earlier orders of this Court ending with order dated 18th October 2024, today when the matter is called out, Mr.Setalvad, learned Senior Counsel appearing for the Appellants in Company Appeal No.20 of 2016 and the connected Interim Application (L) No.22824 of 2023 in Company Appeal No.20 of 2016 submits that the report of the Special Auditor viz. M/s.Haribhakti and Company, as appointed by Company Law Board, is available and will be filed in the Registry by way of a praecipe within a period of one week. Mr.Jagtiani, learned Senior Counsel appearing for the Respondents in the said Appeal submits that they already have a copy of the said report.

2. With respect to the response / comments to the said Special Auditor's Report, Mr.Setalvad has pointed out that earlier an affidavit dated 16th January 2017 of one Mr.Mangal Dalal in response to the Special Auditor's report by M/s.Haribhakti and Company was filed with

a copy to the other side. The Court Associate informs that the said affidavit is under objection. Mr.Setalvad also submits that, however, since this Court had earlier granted time to file response to the Special Auditor's Report, this Court may permit some more time to file an additional/further affidavit to the Special Auditor's Report. Mr.Jagtiani, learned Senior Counsel for the Respondents, submits that no response to the same has been filed on behalf of the Respondents and that a consolidated response to the affidavit dated 16th January 2017 as well as the additional / further affidavit that would be filed on behalf of the Appellants, would be filed after the same is received.

3. Let objection to the affidavit dated 16th January 2017 be removed. Let the additional affidavit with respect to the Special Auditor's Report of M/s.Haribhakti and Company be filed within a period of four weeks. Let reply to the same be filed within a period of two weeks thereafter.

4. List along with Company Appeal No.102 of 2015 and Interim Application (L) No.24266 of 2024 in the said Appeal on **10th January 2025 at 3.30 p.m.**

(ABHAY AHUJA, J.)