

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

INTERIM APPLICATION NO. 2718 OF 2025  
IN  
COMMERCIAL SUMMARY SUIT NO. 4 OF 2025

IL AND FS ENERGY DEVELOPMENT )  
COMPANY LIMITED )...APPLICANT

V/s.

URJANKUR SHREE TATYASAHEED KORE )  
WARANA POWER COMPANY LIMITED AND ANR.)...RESPONDENTS

WITH  
LEAVE PETITION NO. 58 OF 2025  
IN  
COMMERCIAL SUMMARY SUIT NO. 4 OF 2025

Mr.Ashish Kamat, Mr.Ranjeev Carvalho, Mr.Rishab Murali a/w.  
Mr.Jaiveer Dhakan and Mr.Amol Rasal i/by M/s.Manilal Kher Ambalal  
& Co., Advocate for the Applicant / Plaintiff.

Mr.Phiroze Colabawala i/by Mr.Indrajeet Hingane, Advocate for the  
Respondents/Defendants.

CORAM : ABHAY AHUJA, J.

DATE : 20<sup>th</sup> AUGUST 2025

PC. :

LEAVE PETITION NO. 58 OF 2025

1. At the outset, when the matter is called out, Mr.Kamat, learned Senior Counsel for the Plaintiff, tenders across the bar draft amendments to be carried out in the Leave Petition as well as to the plaint in the Suit.

2. Mr.Colabawala, learned Counsel for the Defendants, has no objection if the draft amendments are allowed.

3. Let the draft amendments be carried out within a period of two weeks. Let the amended proceedings be served on the other side and an appropriate Affidavit of service be filed.

**INTERIM APPLICATION NO. 2718 OF 2025**

4. Pursuant to earlier orders of this Court, today when the matter is called out, Mr.Colabawala, learned Counsel, appears for the Respondents and seeks to tender across the bar additional Affidavits on behalf of the Respondents no.1 and 2 dated 19<sup>th</sup> August 2025, submitting that pursuant to deeper study of the matter, some more facts have come to light which the Respondents no.1 and 2 are desirous of placing before this Court, and therefore, the two additional Affidavits have been filed on behalf of the Respondents no.1 and 2.

5. Mr.Kamat, learned Senior Counsel, appearing for the Applicant submits that despite the pleadings having been completed earlier, however, last evening, the two additional Affidavits have been served and that this Court proceed to consider the request for disclosures in terms of prayer clause (c) and injunction in terms of prayer clause (d)

against the Respondents which read thus :

*“(c) that pending the hearing and final disposal of the instant Summary Suit, order and direct the Respondents to disclose on oath by way of an Affidavit (i) all immovable properties with details of all securities or encumbrances including date of charge(s) and names of the secured creditors and the amounts yet due as secured by those properties, along with particularized descriptions of area and location as well as title and names of holders; (ii) estimated current market values of immovable properties; (iii) complete list of movable assets (including vehicles, office equipment, valuables, machinery etc.) and all charges, if any, created on all these movable assets with full particulars; (iv) disclosures of all bank accounts with account numbers, bank names branches, account types, and holding patterns accompanied by bank statements for the last 12 months; (v) copies of all financial and tax returns for the last 3 financial years; (vi) all assets and holdings, including stocks, shares, mutual funds and investments of every description, and showing current market value of each as on date in reasonable proximity to the date of affirmation of the Affidavit with details of encumbrances thereof; (vii) Particulars and / or details in respect of all the arbitration proceedings initiated by and against the Respondents including any award passed in such proceedings, execution of such award and any such amounts that have been received or receivable by the Respondents pursuant to such execution;*

*(d) that pending hearing and final disposal of the instant Summary Suit, this Hon'ble Court be pleased to pass an order of injunction restraining the Respondents, their servants, agents, officers and/or any other persons claiming through it from any manner dealing with, selling transferring, disposing of, alienating, encumbering, mortgaging, hypothecating, charging, or creating any third party right/title/interest in*

*respect of the assets as may be disclosed on oath and/or on Affidavit;”*

6. Since additional Affidavits have just been tendered across the bar and also served upon the Applicant last evening, this Court is of the view that the Applicant go through the same and take appropriate instructions in the matter and if necessary file rejoinders.

7. Mr.Colabawala appearing for the Respondents states, on instructions, that till the next date his clients, the Respondents, would not in any manner deal with or dispose of the assets and properties of the company, tangible or intangible, movable or immovable. The statement is accepted.

8. List on **1<sup>st</sup> October 2025**.

9. This Court will consider prayer clause (c) on the next date, after the Applicant has had an opportunity to review the additional Affidavits.

**(ABHAY AHUJA, J.)**