

Sonali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1837 OF 1998**

Securities and Exchange Board of India ...Petitioner
Versus
Hindustan Lever Ltd & Ors ...Respondents

WITH

WRIT PETITION NO. 2372 OF 1998

Hindustan Unilever Ltd & Ors ...Petitioners
Versus
Securities and Exchange Board of India & Ors ...Respondents

CRIMINAL APPELLATE JURISDICTION

WITH

WRIT PETITION NO. 2092 OF 2004

Hindustan Lever Ltd & Anr ...Petitioners
Versus
Securities and Exchange Board of India & Ors ...Respondents

Mr Amit Desai, Senior Advocate, with Zal Andhyarujina, Senior Advocate, with Pawan Mali, Arun Simach, Priyanka Mitra & Arushi Poddar, i/b Cyril Amarchand Mangaldas, for the Petitioners in WP-2092/2004 and for Respondents Nos. 1 to 6 in WP-1837/1998.

Mr Zal Andhyarujina, Senior Advocate, with Pawan Mali, Arun Simach, Priyanka Mitra & Arushi Poddar, i/b Cyril Amarchand Mangaldas, for the Petitioners in WP-2372/1998 and for Respondents Nos. 1 to 6 in WP-1837/1998.

Mr Rui Rodrigues, for Respondent No.10.

**Mr Kunal Dwarkadas, with Mannan Gala, i/b Dave & Girish & Co,
for the Petitioner in WP-2389/1998, for Respondent No.7 in WP-
1837/1998, for Respondent No.5 in WP-2372/1998.**

Mr Kushal Mor, Advocate, for SEBI in Cri WP 2092 of 2004.

**CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 4th March 2022**

PC:-

1. In Criminal Writ Petition No.2092 of 2004 there was first an ad-interim order of 21st October 2004 (AM Khanvilkar, J as he then was, sitting singly). That order granted ad-interim relief in terms of prayer clause (b), staying all further proceedings in criminal case No.426/S/2002 then pending before the Court of Additional CMM, 37th Court at Esplanade, Mumbai. That case is still pending. It is now numbered as SEBI Special Case No. 412 of 2014 and has been shifted to another court.

2. The next order in point of time is 31st March 2022 by a Division Bench of this Court, which directed that another Petition, one filed by the SEBI against the present Petitioner, Hindustan Unilever Ltd, be placed along with the related Petitions (including the present Criminal Writ Petition No. 2092 of 2004) before another Judge of this Court. The ad-interim has continued since then. It has not been specifically vacated.

3. In 2018, the Supreme Court rendered a decision in *Asian Resurfacing of Road Agency Pvt Ltd & Anr vs Central Bureau of*

*Investigation.*¹ The Supreme Court considered the question of such stays continuing for very long periods of time. It made certain observations and passed certain directions in paragraph 36. These observations were reiterated in a second litigation between the same parties. The Supreme Court vacated pending stay orders. The Special SEBI Court has taken the view that the ad-interim order granted by this Court stands vacated by necessary implication in view of the judgment in *Asian Resurfacing*.

4. There is no doubt that the Supreme Court's judgment mandates an expeditious disposal not only of the trial but of all Petitions or proceedings where there has been a stay. The prolonging of stays has been deprecated by the Supreme Court.

5. We believe that the most appropriate course of action is to continue or reinstate the ad-interim stay in this matter, but to do so strictly for a limited period of time so that we can finally dispose of the Criminal Writ Petition itself and all associated matters without further delay. This will address the concerns expressed in *Asian Resurfacing*.

6. Accordingly, we continue the ad-interim stay of 21st October 2004. This will operate until 27th June 2022.

7. We list the entire group for final disposal at 2.30 pm on 23rd June 2022.

8. We clarify that stay operates in respect of SEBI Special Case No. 412 of 2014 wherever it may be pending.

(Madhav J. Jamdar, J)

(G. S. Patel, J)