

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

COMMERCIAL SUMMARY SUIT NO. 482 OF 2019

Bank of Baroda ...Plaintiff
V/s.
Aban Offshore Ltd ...Defendant

WITH
NOTICE OF MOTION NO.1328 OF 2019
IN
COMMERCIAL SUMMARY SUIT NO.482 OF 2019

Mr. Harsh Sheth a/w Mr. Darshit Rupda i/b MDP & Partners, Advocate for the Plaintiff.

Ms. Lillyan Thangkhiew i/b M/s. Vesta Legal, Advocate for the Defendant.

CORAM : ABHAY AHUJA, J.
DATE : 11th SEPTEMBER, 2024

P.C. :

1. Pursuant to the earlier orders of this Court, today when the matter is called out, both the learned Counsel tender across the bar draft issues.

2. Accordingly, at the joint request of the learned Counsel for the Plaintiff and the Defendant, the following issues are framed:-

ISSUES

1. Whether the Defendant proves that Suit is barred by Limitation ?

2. Whether the Defendant proves that this Hon'ble Court has no territorial jurisdiction to try and entertain the present suit ?
3. Whether the Plaintiff proves that the Defendant committed default in repayment/redemption of NCRPS ?
4. Whether the Plaintiff proves that the Defendant Company declared dividends on equity shares for Financial year 2014-15 ?
5. Whether the Defendant proves that the Defendant Company has incurred loss and has not made any profits for Financial Year 2016-2017, 2017-2018, 2018-2019 till FY 2021-2022 ?
6. Whether the Defendant proves that the Plaintiff is a shareholder of the Defendant Company and cannot be categorized as a Creditor ?
7. Whether the Plaintiff is entitled to decree against the Defendant to pay the Plaintiff a sum of Rs.17,78,52,536.47/- as per particulars of claim along with further interest @ 12% per annum from the date of the suit till actual payment and/or realization ?

8. What order ?

3. Let affidavit in lieu of examination-in chief along with affidavit of evidence and compilation of documents on behalf of the Plaintiff be furnished along with the list of witnesses to the Advocate for the Defendant by 11th November, 2024.

4. Discovery and inspection is to be completed and statements of admission and denial are to be exchanged by 28th November, 2024.

5. Upon compliance with the aforesaid directions, list for marking of documents on **28th November, 2024.**

(ABHAY AHUJA, J.)