

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL APPEAL NO.492 OF 2019
IN
SUMMONS FOR JUDGMENT NO.67 OF 2018
WITH
INTERIM APPLICATION NO.1026 OF 2022
IN
COMMERCIAL APPEAL NO.492 OF 2019

Bonton Holidays Pvt Ltd.

....Appellant

V/s.

European Gateway Sarl

...Respondent

Mr. Rahul Narichania, Sr. Advocate a/w Mr. Ankur Shah and Mr. Vikhil Dhoka i/b G.M. Legal for Appellant.

Mr. Karl Tamboly a/w Ms Shruti Maniar & Mr. Advait Shukla i/b Solomon & Co. for Respondent.

Ms. Purvi Piyush Parekh, Mr. Piyush Vinodrai Parekh and Mr. Viren N Adesara, Directors of appellant present.

**CORAM : K.R. SHRIRAM &
KAMAL KHATA JJ**

DATED : 19th DECEMBER 2022

P.C. :

1 Despite our specific directions on 5th December 2022, that the letter shall be addressed by Federal Bank to the Prothonotary and Senior Master, High Court, Bombay of this court, Federal Bank, though it has technically addressed the letter to Prothonotary and Senior Master, High Court, Bombay the letter has not been sent to Prothonotary and Senior Master, High Court, Bombay. Mr. Narichania on instructions states that Federal Bank has sent the letter to appellant by courier and that is how appellant received the

same. Mr. Tamboly on instructions states respondent has not received a copy of letter. From the letter that Mr. Narichania tendered, it does not appear to be the original signature of the three persons who have signed and it appears to be photocopy on which blue ink rubber stamp of Kunal Thakkar and Naresh Maghani has been put. Therefore, either Naresh Maghani or Vivek Trevidi, whoever is the senior among the two, shall file an affidavit confirming what is stated in the letter dated 9th December 2022. Affidavit to be filed and copy served upon appellant as well as respondent's Advocates Solomon & Co. and the original affidavit together with photocopy thereof shall be sent directly to the Prothonotary and Senior Master, High Court Bombay, within two weeks from today.

2 The order dated 5th December 2022 was rather clear that Federal Bank should address the letter to the Prothonotary and Senior Master, High Court, Bombay which means not only the Prothonotary and Senior Master's name to be mentioned in the letter but the letter should have been sent to the Prothonotary and Senior Master, High Court, Bombay and not to its own customers. It is made clear to Federal Bank that if, order is not strictly complied with, the court may be compelled to direct the Director of Federal Bank to remain present in court.

3 The three Directors of appellant namely, Ms. Purvi Piyush Parekh, Mr. Piyush Vinodrai Parekh and Mr. Viren N Adesara, are present in court and are identified by Advocate Mr. Vikhil Dhoka. The presence of these three persons is not required until further orders on the undertaking given to this

court that they shall remain present as and when required.

4 Stand over to 10th January 2023.

(KAMAL KHATA, J.)

(K.R. SHRIRAM, J.)