

**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

Vs.

European Gateway SARL .....Respondent

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Mr. Rahul Narichania, Senior Advocate a/w. Mr. Ankur Shah, Mr. Vikhil Dhoka and Ms. Sushma Soni i/b. GM Legal for appellant.

Mr. Karl Tamboly a/w. Ms. Shruti Maniar and Mr. Advait Shukla i/b. M/s. Solomon and Co. for respondent.

Mr. V.N. Ajekumar for Federal Bank Limited.

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**CORAM : K. R. SHRIRAM &  
RAJESH S. PATIL, JJ.  
DATED : 23<sup>rd</sup> JANUARY 2023**

**PC. :**

1 Further to our order dated 19<sup>th</sup> December 2022, one Naresh Maghani, Associate Vice President and Relationship Manager of Federal Bank Limited, has filed an affidavit affirmed on 3<sup>rd</sup> January 2023 in which the said Naresh Maghani has stated that appellant has not provided any immovable properties owned by them as security for the credit facilities and the mortgaged properties secured with bank are owned by individual parties. In the affidavit, it is also stated that as per the records available

with bank, the factory land and building at Plot No.1 and 2, RS No.156 and 157 Village Makhavad, Lodhika, Rajkot and factory land and building at Plot No.23, RS No.168 paikee, Kothariya, Rajkot (said properties), is in no way connected with the loan account and it might be a typographical error that has crept in the board of resolution of the company. It is also stated that this error has been rectified in the revised board resolution dated 4<sup>th</sup> December 2021 and copy of the extract of the revised board resolution dated 4<sup>th</sup> December 2021 is also annexed to the affidavit.

2           Mr. Tamboly states that respondent no.4 - Viren Adesara should explain then how did the resolution describing the said properties to be appellant's properties came to be passed.

3           Mr. Narichania states that a short affidavit to that effect will be filed and copy served by 1<sup>st</sup> February 2023.

4           Stand over to 6<sup>th</sup> February 2023.

5           Federal Bank Limited need not remain present anymore.

**(RAJESH S. PATIL, J.)**

**(K. R. SHRIRAM, J.)**