

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

**INTERIM APPLICATION NO. 828 OF 2021
IN
EXECUTION APPLICATION NO. 1013 OF 2014**

Sea Priority S. A.	...Applicant
Vs.	
Swarup Group of Industries	...Respondent
WITH	
INTERIM APPLICATION NO. 7741 OF 2025	
IN	
EXECUTION APPLICATION NO. 1013 OF 2014	

Mr. Rahul Narichania, Senior Advocate with Ms. Kainaz Irani i/b Das Associates for the Applicant in IA 7741/25.

Mr. Rohaan Cama with Ms. Gathi Prakash, Mr. Darshan Furia, Ms. Priyanka Desai and Ms. Vidushi Trivedi i/b Cyril Amarchand Mangaldas for the Applicant in IA No. 828/21 and for the Respondent in Ia 7741/25.

CORAM : ABHAY AHUJA, J.
DATE : 9th APRIL, 2026

PC. :

1. After this matter is heard for a while, Mr. Narichania, learned Senior Counsel appearing for the Interim Applicant in the Interim Application No. 7741 of 2025 seeks to file an additional affidavit of assets under Order XXI Rule 41(2) of the Code of Civil Procedure, 1908, submitting that although an affidavit dated 7th April, 2026 is ready, however, the same has some errors and therefore, could not be filed.

2. Mr. Narichania, learned Senior Counsel however, submits that the Interim Application No. 7741 of 2025 at the very outset challenges the maintainability of the execution proceedings *albeit* late as until and unless the Claimant complies with the statutory requirement under Part-II of the Arbitration and Conciliation Act, 1996 and obtains a declaration that the award dated 2nd January, 2014 is enforceable being a foreign award, the proceedings cannot be continued.

3. Mr. Cama, learned Counsel appearing for the Applicant in the Interim Application No. 828 of 2021 and for the Respondent in the Interim Application No. 7741 of 2025 submits that although the sole proprietor of the Judgment Debtor has claimed that he does not own the Flats No. 601-B and 701-B in Oberoi Sky Heights, however, the said flats have been sold by the sole proprietor of the Judgment Debtor to the present owner in the year 2022 i.e. after the award dated 2nd January, 2014 and after the Interim Application and the execution proceedings were filed. That, no disclosures with respect to the said transaction has ever been made.

4. Mr. Cama further submits that although it is claimed by the sole proprietor of the Judgment Debtor that he is not a director in any

company, however, the records of the Ministry of the Corporate Affairs indicate that he is a director in two companies.

5. That this Court may, therefore, direct the Judgment Debtor to make the necessary disclosures to this Court as the order directing the disclosures is of 8th July, 2025, which is prior to the date of filing of the Interim Application No. 7741 of 2025 by the Judgment Debtor.

6. Having heard the learned Senior Counsel and the learned Counsel and having considered their submissions, the following order is passed:-

ORDER

(i) Let further disclosures with respect to the aforesaid aspects be made by the Judgment Debtor / sole proprietor of the Judgment Debtor by way of an additional affidavit of disclosure within a period of three weeks with a copy to the other side.

(ii) Let the response to the said affidavit be filed within a period of two weeks with copy to the others.

7. List both the Interim Applications No.828 of 2021 and 7741 of 2025 for hearing on **30th June, 2026**.

(ABHAY AHUJA, J.)