

IN THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO  
TRANSACTIONS IN SECURITIES) ACT, 1992 AT BOMBAY

LD-VC-MISCELLANEOUS APPLICATION NO.9 OF 2020

IN

MISCELLANEOUS APPLICATION NO.48 OF 2014

Rasila Mehta

.. Applicant

Vs.

The Asstt. Commissioner of

Income Tax & Ors.

.. Respondents

Mr. Ashwin Mehta for the applicant.

Mr. B.M. Chatterjee, Sr. Advocate, i/b. Ranit Basu for Income Tax.

Mr. Hormaz Daruwalla a/w Ms. Shilpa Bhate i/b. Leena Adhvaryu  
Associate for the Custodian.

CORAM : A. K. MENON,

JUDGE, SPECIAL COURT

DATED : 9<sup>TH</sup> OCTOBER, 2020.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. The applicant here is Mr. Ashwin Mehta applying as legal representative late Smt. Rasila S. Mehta. The applicant submits that Smt. Rasila Mehta who was original applicant in Misc. Application no.48 of 2014 has expired leaving behind himself and respondent nos.3 to 6 as a legal heirs. He seeks leave to

bring these heirs on record. He also seeks permission to represent these legal heirs.

2. On behalf of the Custodian and the Income Tax Department, both Mr. Daruwalla and Mr. Chatterjee state that there are several averments in the application which are irrelevant. In fact, they seriously contest the statements in the application alluding to the fact that the deceased Smt. Rasila Mehta was exclusively entitled to properties and assets and as a result of her demise the assets devolve upon the applicants under her Will. The learned counsel for the Custodian and the Income Tax Department state the fact that the "Harshad Mehta Group" concept is well recognized by now and all assets of the deceased are of the group and not of an individual.
3. I have heard the learned counsel in support and against. I am of the view that the application is liable to be allowed only to the extent of heirs being brought on record and permitting Mr. Mehta to represent them. The other legal heirs had consented to Mr. Mehta representing them in this application.
4. The contents of the letter of consent are also sought to be

questioned by the Custodian and the Income Tax Department.

In view of the fact that we are presently concerned with bringing of legal heirs on record I pass the following order.

- (i) The names of the applicant in this application and respondent nos.3 to 6, Mr. Aatur Mehta, Dr. Hitesh Mehta, Sudhir Mehta and Smt. Bhavna Shah shall be brought on record in and or in place of the original applicant. This court has not examined the contentions regarding the estate of Late Rasila Mehta.
- (ii) Amendment to be carried out within a period of two weeks from today.
- (iii) Application is disposed in the above terms.
- (iv) This order shall be digitally signed by the Personal Assistant of this Court.

**(A. K. MENON, J.)**