

**IN THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO
TRANSACTIONS IN SECURITIES) ACT, 1992
MISCELLANEOUS PETITION NO. 3 OF 1996**

The Custodian ... Petitioner
vs.
M/s. V. Krishnakant & Ors. ... Respondent

**WITH
MISCELLANEOUS APPLICATION NO. 16 OF 2021
AND
MISCELLANEOUS APPLICATION NO. 12 OF 2021**

Dhanraj Mills Pvt. Ltd. ... Applicant
vs.
The Custodian ... Respondent

Mr. J. Chandran a/w. Ms. Shilpa Bhate i/b. M/s. Leena Adhvaryu & Associates for the Custodian.

Mr. Rashid Khan, Mr. Ayaz Bilawala, Ms. Dhanashree Gaikawaiwari and Ms. Nishtha Shah i/b. Bilawala & Co. for Respondent no.1 by Video Conference.

Mr. Ish Jain a/w. Ms. Radha Ved i/b. M/s. Kiran Jain & Co. for Respondent no. 2/Applicant in SPMA/16/2021 and SPMA/12/2021.

Mr. Dipen Furia a/w. Mr. Romin Sangoi i/b. M/s. Shah & Furia Associates for Respondent nos. 3A to 3E.

Mr. Gautam Mehta a/w. Mr. Virendra Pereira and Mr. Anagh Pradhan i/b. M/s. Divya Shah and Associates for Respondent no. 4.

Mr. Chittur Krishnan Sundaram – Witness present.

**CORAM : A.K. MENON, J.
Judge, Special Court
DATE : 9th JULY, 2021**

P.C. :

1. The witness has tendered three affidavits in lieu of examination in chief on behalf of respondent no.2. The first of these affidavits is dated 15th March, 2021. It is supported by resolution said to have been passed on 10th March, 2021. The second affidavit titled “Additional affidavit in lieu of examination in chief of respondent no. 2” dated 29th April, 2021 is also said to be supported by resolution dated 10th March, 2021. The third affidavit also titled “Additional affidavit in lieu of examination in chief on behalf of respondent no. 2” is dated 7th July, 2021. Affirmation of this affidavit is said to have been authorised by a board resolution said to have been passed on 5th July, 2021.

2. At the outset Mr. Mehta on behalf of respondent no. 4 objects to the bracketed portion marked in red in paragraph 1 which reads as follows :

“Mr. Chittur Krishnan Sundaram, was appointed as a Clerk cum Typist since 1991 and since the year 1992 is appointed as an Authorized Signatory for about past 29 years for the purpose of handling and looking after legal matters relating thereto of the Company”

He also objects to similar contents of the resolution in paragraph 2. Subject to these objections the three affidavits of Mr. Chittur Krishnan Sundaram dated 15th March, 2021, 29th April, 2021 and 7th July, 2021 are taken on records and marked **Exhibit R-1(1), R-1(2) and R-1(3)**.

3. Respondent no. 2 has filed a compilation of documents dated 15th March, 2021 consisting of six documents all of which are seen to be photocopies except page 4 of item no. 3 which appears to be an office copy of Advocates correspondence. None of these documents are admitted on behalf of respondent no.4.

4. There is a second compilation seen to be filed on 3rd May, 2021 consisting of three documents at item nos. 7, 8 and 9 which are all photocopies. On behalf of respondent nos. 1 and 4 Statements of admission and denial are filed. None of these documents are admitted by these respondents. Item no. 1 of the first compilation and item no. 7 of the second compilation are one and the same. Thus none of these documents are admitted. Hence there are total of nine documents all of which are not been proved.

5. At this stage Mr. Khan appearing for respondent no. 1 has joined this hearing on video conference. He states that he will be present in Court on the next occasion.

6. List the Miscellaneous Application nos. 12 of 2021 and 16 of 2021 on 16th July, 2021 for hearing via video conference.

7. By consent list on 23rd July, 2021 for marking of documents and recording evidence in person. Advocates to observed SOP on restricted attendees per notice published by the registry.

8. In the meantime in order dated 2nd July, 2021 the words "Through Video Conference" to be deleted since the parties were present in person.

(A.K. MENON, J.)