

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

SUIT NO. 2 OF 2004

ICDS Limited .. Plaintiff

v/s.

Hiten P. Dalal & Anr. .. Defendants

Mr. Piyush Raheja a/w Ganesh Ambekar i/b. Thakore Jariwalla & Associates for the plaintiff.

Mr. Devanshu Desai i/b. Sunil Kale for defendant no.1.

Mr. J. Chandran a/w Ms. Shilpa Bhate i/b. Leena Adhvaryu Associates for the Custodian-defendant no.2.

Ms. Akansha Patil i/b. M/s. Pardiwala & Co. for defendant no.4.

**CORAM : A. K. MENON,
JUDGE, SPECIAL COURT
DATED : 12TH FEBRUARY, 2021**

P.C. :

1. The evidence of the plaintiffs concluded on 13th March, 2020. The matter was then adjourned to 20th March, 2020. However, on account of pandemic driven lock-down, the matter could not be taken up. The matter was listed on 8th January, 2021 for directions on which date it came to be stood over to 15th January,

2021. On 15th January, 2021 on behalf of defendant no.4 counsel sought time to obtain instructions whether they wish to lead evidence since they were unsure. Time was granted to take instructions. The matter was stood over to 22nd January, 2021 with the directions that the affidavit of evidence should be filed on that date and the witness should remain present. On 15th January, 2021 all other defendants were also represented. The other contesting defendants confirmed that they were not leading any evidence.

2. On 22nd January, 2021 defendant no.4 was expected to examine their witness, however, time was sought since the witness proposed to be examined had retired and they wish to obtain instructions and granted two weeks time to file the affidavit of evidence i.e. on or before 5th February, 2021 and it was clarified that if the affidavit was not filed, evidence of defendant no.4 would be treated as closed specially the affidavit of documents and compilation had been filed in 2004. The matter was then listed today.

3. Today, the learned counsel for defendant no.4 once again states

that she has not received any instructions from her clients and seeks time.

4. The learned counsel for defendant no.4 seeks leave to discharge from the matter. Request is declined. Accordingly, I pass the following order;

(i) Issue notice to defendant no.4 directing their Manager legal affairs / concerned officer to remain present in Court.

(ii) In addition to court notice, the Advocates for defendant no.4 shall also intimate them of this order.

(iii) It is made clear that the plaintiffs shall be ready to proceed with the matter on the next date.

(iv) S.O. 26th February, 2021.

(A. K. MENON, J.)