

IN THE SPECIAL COURT AT BOMBAY
Constituted under the Special Court [Trial of Offences
Relating to Transactions in Securities] Act, 1992

SPECIAL SUIT NO.2 OF 2004

ICDS Ltd.Plaintiff
V/s.
Hiten P. Dalal & Anr.Defendants

Mr. Piyush Raheja, with Mr. Ganesh Ambekar, i/by Thakore Jariwala & Associates, for the Plaintiff.

Mr. Sunil Kale for Defendant No.1.

Mr. J. Chandran, with Ms. Shilpa Bhate, i/by Leena Adhvaryu & Associates, for Defendant No.2–Custodian.

Mr. Somasekhar Sundaresan, with Ms. Sonali Mathur and Mr. Dhaval Vora, i/by AZB & Partners, for Defendant No.4–Citi Bank.

CORAM : A.K. MENON, J.
JUDGE, SPECIAL COURT

DATE : 30TH JULY, 2021.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. Mr. Chandran on behalf of the Custodian states that he does not desire to cross-examine the witness – Ravi Singh. Respondent no.3A(ii) has filed a written statement, in which he has stated that his brother Bimal Gandhi – original

defendant no.3 expired on 8th May 2001. The defendant no.3A(ii) has no interest in the estate and late Bimal Gandhi and has not inherited and is not aware of the suit transaction and that the suit may be taken to its logical conclusion and the matter be heard on merits. It also states that defendant reserves his right to raise objections.

2. It appears that the defendant no.3A(ii) is not appearing in this suit despite notice issued by the plaintiff's Advocate and as communicated today by Mr. Raheja. Accordingly, registry to issue notice forthwith to respondent no.3A(ii) and his Advocate Rajesh Kanojia informing them that cross-examination of Mr. Ravi Singh, witness on behalf of defendant no.4, has been completed on behalf of the plaintiff and defendant no.1. If defendant no.3A(ii) intends to cross-examine the witness, he shall instruct his Advocates whether he intends to cross-examine the witness on or before 6th August 2021, failing which right of cross-examination on behalf of defendant nos.3A(ii) shall be deemed to have been waived.

3. Accordingly, list the Suit for directions on 6th August 2021.

[A.K. MENON, J.]