BEFORE THE COMMITTEE CONSTITUTED UNDER THE BOMBAY HIGH COURT ORDER DATED 2nd SEPTEMBER 2014 IN SUIT NO.173 OF 2014 AND OTHER RELATED SUITS COMPRISING
JUSTICE V.C. DAGA (RETD.) CHAIRMAN,
MR. J.S. SOLOMON (ADVOCATE AND SOLICITOR-MEMBER) AND
MR. YOGESH THAR (CHARTERED ACCOUNTANT MEMBER)

MODERN INDIA LIMITED & ORS ...PLAINTIFFS

VS.

FINANCIAL TECHNOLOGIES (INDIA) LTD.

AND OTHERS ...DEFENDANTS

APPEARANCES:

Mr. Birendra Saraf, Ms. Anuja Jhunjunwala, Ms. Saloni Sulakhe, Mr. Akhilesh Singhj and Ms.Vamika Kaul, Advocates i/b Naik Naik and Co. for NSEL

Mr. Pravin Rathod, representative of NSEL

Ms. Namita Shetty i/b Cyril Amarchand Mangaldas for FTIL/Jignesh Shah.

Mr. Rao Killan, Advocate for Shree Radhey Trading Co.

Mr. Sunny Nagpal s/o Shri Ramesh Nagpal for Shree Radhey Trading Co.

Mr. Sagar Ghorge i/b Govind Salonki and Mr. Rohit Khurana for LOIL.

Ms. Nidhi Shukla, Advocate i/b Deven Dwarkadas and Partners for Mr. Rajesh Kamani Investor.

Mr. Vasudev Gerewal for Anand Rathi

Mr. Ravi Ramchandran for IIFL

Ms. Chinmayee Jagtap, Ms. Nivedita Atre Advocates i/b Mansukhlal Hiralal & Co. in L.J Tanna Suit.

Mr. Ravi Warrier, Mr. Akshay Patil and Ms. Hiral Thakkar, Advocate in Modern Suit i/b Federal Rashmikant.

Mr. Pravin S. Gaonkar and Mr. D.V. Patil, PSI for EOW.

ORDER SHEET NO. 47C

(Dated 30th November, 2015)

1 M/s. Shree Radhey Trading Co., on the last date of hearing vide Order Sheet No.45-C dated 19th October, 2015 was called upon to submit its statement as to which documents they have demanded from EOW and were not given to them.

2 At the same time EOW was also directed to make statement as to which documents were given and were not given to M/s. Shree Radhey Trading Co.

3 Mr. Sunny Nagpal has filed an affidavit on behalf of M/s. Shree Radhey Trading Co. and as a sole Proprietor of M/s. Harsha Traders wherein, on oath, a statement is made that they have not received the documents: viz: (1) Shree Krishna Trading Purchase File 2011-2012, (2) M/s. Harsha Trading Company, M/s. Shree Krishna Tading Company and M/s. Shree Radhey Trading Company's challan file and purchase bills.

4 It seems that the aforesaid documents were handed over by them to EOW. In this view of the matter, EOW ought to have given copies of these documents. EOW is directed to explain as to why these documents were not given to M/s. Shree Radhey Trading Co. and M/s. Harsha Traders. The reply should be furnished on oath and with explanation for not furnishing these documents before next date of hearing.

5 It is also made clear to Mr. Rao Killan, Advocate appearing for Shree Radhey Trading that the Committee has tried to reconcile the accounts of Shree Radhey Trading Co. with that of NSEL's account. On reconciliation, it was noticed that a sum of Rs.24,55,00,000/- has been received in excess by M/s. Shree Radhey Trading Co., from NSEL. The summary sheet of the calculations made by the Committee is handed over to Mr. Rao Killan, Advocate so as to enable his clients to respond as to on what

account this amount was received by them and how this amount has been adjusted by them in their books of accounts. The copy of the summary sheet is handed over to Mr. Rao and the receipt of which he acknowledges. He agrees to file reply within 15 days.

6 **Stand over to 18th January 2016 at 2.00 p.m. for hearing. However, by 31st December, 2015 the Committee expects the reply to be filed.**

JUSTICE V.C. DAGA (RETD.)
CHAIRMAN

J.S. SOLOMON
ADVOCATE AND SOLICITOR

YOGESH THAR
CHARTERED ACCOUNTANT

MEMBERS