

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMIP NO. 465 OF 2018

Kriarj Entertainment Pvt.Ltd. ... Plaintiff

Versus

J.A.Entertainment Pvt. Ltd. ... Defendant

ALONG WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 502 OF 2018

Gothic Entertainment ... Petitioner

Versus

Kaiarj Entertainment Pvt.Ltd. and Ors. ... Respondents

WITH

COMMERCIAL NOTICE OF MOTION (L) NO. 1108 OF 2018

IN

COMMERCIAL SUIT (L) NO. 598 OF 2018

Padma Ispat Private Limited ... Plaintiff

Versus

Kriarj Entertainment Pvt.Ltd. and Ors. ... Defendants

Dr.Saraf a/w. Ms.Sowmya Srikrishna, Ms.Ankita Singh, Mr.Krishna Shah for the Plaintiff in COMS No. 465 of 2018.

Mr.Zal Andhyrjuna a/w. Mr.Nitesh Jain, Mr. Jeet Karia, Mr. Atul Jain i/b. Shardul Amarchand Mangaldas and Company for the Petitioner in CARBPL No. 502 of 2018.

Mr.Chirag Modi a/w. Ms. Pooja Kapadia for the Plaintiff in COMSL No. 598 of 2018.

Mr.Ashish Kamat a/w. Ms.Madhu Gadodia, Mr.Ravi Suryanwanshi i/b. Naik Naik and Company for the Defendant in COMIP No. 465 of 2018.

Mr.Gaurav Joshi, Sr. Adv. a/w. Ms.Ankita Singh, Mr. Krishna Shah i/b. A & P Partners for Respondent Nos. 1, 2 and 4 in CARBPL No. 502 of 2018.

Mr.Ankit Lohia a/w. Mr. Hetal Thakore, Mr. Rajendra Jain i/b. Dua Associates for

Respondent Nos. 5 and 6 in CARBPL No. 502 of 2018.

Ms.Ankita Singh a/w. Mr. Krishna Shah i/b. A & P Partners for Defendant Nos. 1 and 3 in COMSL No. 598 of 2018.

Mr.Prakash Shah a/w. Mr. Durgaprasad Poojari i/b. PDS Legal for Respondent Nos. 5 and 15 in CARBPL No. 502 of 2018.

Mr.Ashish Kamat a/w. Ms.Madhu Gadodia, Mr.Ravi Suryawanshi i/b. Naik Naik and Company for Respondent Nos. 11 and 12 in CARBPL No. 502 of 2018.

Mr.Anuj Jhaveri a/w. Mr. Aditya Chopra, Mr.Abhishek Bhadhuri i/b. PSL Advocates and Solicitors for Respondent No. 13 in CARBPL No. 502 of 2018.

Mr.Ankit Lohia a/w. Ms.Apeksha Sharma, Mr.Sanjeel Kadam, Ms.Sayalee Rajpurkar i/b. Kadam and Company for Respondent No. 9 in CARBPL No. 502 of 2018.

Mr.Prasanna Bhangale for Respondent No. 10 in CARBPL No. 502 of 2018.

Mr.Chirag Mody a/w. Mr. Ashok Purohit, Ms.Rohini Vakil i/b. Ashok Purohit and Company for Intervener - Kyta Production Private Limited.

Dr.Birendra Saraf a/w. Ms.Monisha Mane, Ms.Shardha Achliya, Mr.Shivam Nimbalkar i/b. Juris Corp for Guy in the Sky Pictures Private Limited.

Mr.Vaibhav Krishna a/w. Mr.Devang Lakhotia i/b.Juris Consillis for the Applicant in CHSCDL No. 579 of 2018 and 709 of 2018 and for Respondent No. 8 in CARBPL No. 502 of 2018.

CORAM : S.J. KATHAWALLA, J.
DATED : 4TH MAY, 2018

P.C.:

1. I am prima facie satisfied that Respondent Nos. 2 to 4 in above Petition, have cheated not only the Petitioner but also Guy in the Sky Pictures Private Limited, J.A. Entertainment Private Limited, Pooja Entertainment and Films Limited, Pooja Film Company, Padma Ispat Private Limited, SPE Films Private Limited and others. The Respondent No. 1 Company of whose Respondent Nos. 2 to 4 are the Directors, have also prevented the Court from passing any orders by representing to the Defendants in the above Suits and this Court that they are willing to settle the matter and in fact purportedly settled the said matter by signing the Consent Minutes of Order dated

20th April, 2018 and thereafter committed breach of the undertakings given to the Court more particularly in paragraphs 8 (a) and 8 (b) of the Consent Terms. In short, not a single term, which was agreed upon under the said Consent Terms, have been complied with by Respondent No. 1.

2. The Deputy Commissioner of Police under whose jurisdiction Khar Police Station, Mumbai is situated shall appear before this Court on the adjourned date and inform the Court what steps are taken in response to the Complaint dated 26th April, 2018 filed by Guy in the Sky Pictures Private Limited.

3. Respondent Nos. 1 to 4 to file their Affidavit disclosing all assets (movable / immovable) of Respondent No. 1 as well as their personal assets including the rights created in respect of various films in favour of various parties.

4. Respondent No. 5 is permitted to deposit an amount of Rs.81 Lacs to the Government of India towards income tax on behalf of Respondent No. 1.

5. Stand over to 7th May, 2018 at 03.00 p.m. when Respondent Nos. 2 to 4 shall remain present before this Court.

(S.J.KATHAWALLA, J.)