

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMIP NO. 465 OF 2018

KriArj Entertainment Pvt. Ltd. ... Plaintiff

Versus

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

Mr. Abhishek Malhotra a/w. Mr. Kaushik Moitra, Mr. Deepak Biswas, Mr. Divvya Verma i/b. Bharucha and Partners for the Plaintiff.

Mr. Rohan Cama a/w. Mr. Madhu Gadodia, Mr. Ravi Suryawanshi i/b. Naik Naik and Company for the Defendant.

Mr. Shiraz Rustomjee, Sr. Adv. a/w. Mr. Ankit Lohia, Ms. Shreya P., Ms. HJetal Thakore, Mr. Kunal P. for the Applicant in CHSCL No. 573 of 2018.

Mr. Vibhav Krishna a/w. Mr. Tahir Prande, Mr. Devang Lakhota i/b. Juris Consillis for the Applicant in CHSL No. 579 of 2018.

Mr. Rizwan Marchant i/b. Mr. Ramiz Shaikh for the Applicant in CHSCDL No. 727 of 2018.

CORAM : S.J. KATHAWALLA, J.

DATED : 10TH MAY, 2018

(IN CHAMBERS)

P.C.:

1. After the above matter was placed on board and adjourned from time to time, on 20th April, 2018 the parties in the above Suit tendered Consent Minutes of Order dated 20th April, 2018 (Consent Minutes) and an Order in terms of the Consent Minutes was passed.

2. Thereafter, the Plaintiff - KriArj Entertainment Pvt. Ltd. defaulted in making payments as agreed in the Consent Terms. The matter was therefore placed before this Court on 4th May, 2018.

3. On 4th May, 2018, the above matter was heard and adjourned to 7th May, 2018.

4. On 4th May, 2018, Commercial Arbitration Petition (L) No. 502 of 2018 filed by the Petitioner - Gothic Entertainment against KriArj Entertainment Pvt. Ltd. and others, was also on board. On that day, Mr.Zal Andhyrujina, Advocate appearing for Gothic Entertainment submitted that any amounts payable to KriArj by any of the parties, should be brought to Court. The matter was thereafter adjourned to 7th May, 2018.

5. The above suit in which Consent Minutes dated 20th April, 2018 were filed and after which the Plaintiff defaulted in making payments, was again called out before me on 7th May, 2018 and an opportunity was given to the parties, to sort out the differences and appear before this Court today i.e. 10th May, 2018 with fresh / revised Consent Minutes of Order, if they so desire.

6. As far as the Petition of Gothic Entertainment is concerned, the same was kept on 22nd May, 2018 after hearing the Advocate for Gothic Entertainment. However the learned Advocate appearing for Gothic Entertainment requested the Court to keep the Petition of Gothic Entertainment for reliefs on 15th May, 2018 or 28th May, 2018, since he is not available on 22nd May, 2018. The request was not acceded to by the Court and the Petition of Gothic Entertainment was directed to be placed before this Court on 22nd May, 2018.

7. The learned Advocates appearing for the parties in the above Suit, who had earlier executed the Consent Minutes of Order dated 20th April, 2018, have today tendered Revised Consent Minutes of Order dated 10th May, 2018 (Revised Minutes).

They submit that the Revised Minutes be taken on record and the Order be passed in terms of the Revised Minutes. The Revised Minutes are taken on record and marked 'X-1' for identification. The Revised Minutes are signed by the Director of KriArj Entertainment Private Limited, Head of Accounts of J.A.Entertainment Private Limited, Authorized Signatory of Pooja Entertainment and Films Limited, Authorized Signatory of Essel Vision Production Limited and the Authorized Signatory of Zee Entertainment Enterprises Limited. The Revised Minutes are also signed by the Advocates for the parties. The signatories to the Revised Minutes are present in Court. The undertakings recorded in the Revised Minutes are accepted.

8. Parties to the Revised Minutes have agreed that Kyta Productions Private Limited will be given credits as mentioned in paragraph 2 of the Consent Minutes of Order dated 20th April, 2018 without prejudice to the rights and contentions of the parties and without claiming any equities.

9. Though the matter of Gothic Entertainment is not on board, Mr.Rizwan Merchant, Advocate states that his client has taken out Chamber Summons (L) No. 727 of 2018 and Notice of Motion No. 1224 of 2018 in the above Suit and that I should hear the same, today. The issues involved in Notice of Motion No. 1224 of 2018 and the issues pertaining to which submissions were made before me on behalf of Gothic Entertainment on 4th and 7th May, 2018, are the same. Since the parties were informed on 4th and 7th May, 2018 that the matter will be taken on 22nd May, 2018 and in fact thereafter the Court was informed by the Advocate for Gothic

Entertainment that he is not available on 22nd May, 2018 and the matter be kept on 15th or 28th May, 2018, for ad-interim reliefs, the question of today hearing the proceedings taken out by Gothic Entertainment, does not arise. In view thereof, the proceeding taken out by Gothic Entertainment will be heard on 22nd May, 2018.

10. The Deputy Commissioner of Police under whose jurisdiction Khar Police Station, Mumbai is situated, shall comply with the Order dated 4th May, 2018 and file his report on 22nd May, 2018.

11. I am informed that Complaints have been filed by Gothic Entertainment or any other party against KriArj and the Directors/persons in charge of the working of KriArj with the EOW. In view thereof, EOW is also directed to file their report on 22nd May, 2018 which will assist the Court in deciding the reliefs sought in the Application/s filed by Gothic Entertainment and others against KriArj.

12. I have in my order dated 4th January, 2018 recorded that I am prima facie of the view that KriArj has cheated the parties mentioned therein. Ms.Prerana Arora, Ms.Protima Arora and Mr.Arjun Kapoor, of KriArj Entertainment Pvt. Ltd. are therefore directed not to leave the country without seeking prior permission of this Court.

13. Stand over to 22nd May, 2018, when Ms.Prerana Arora, Ms.Protima Arora and Mr.Arjun Kapoor, Directors of the Plaintiff - KriArj Entertainment Pvt. Ltd. shall remain present before this Court.

(S.J.KATHAWALLA, J.)