

IN THE HIGH COURT AT CALCUTTA  
Original Jurisdiction

CA No.401 of 2013  
CA No.342 of 1998  
CA No.431 of 2012  
CP No.90 of 1983

IN THE MATTER OF:-  
*ANGELO BROTHERS LTD.(IN LIQUIDATION) & ORS.*  
AND  
IN THE MATTER OF:-  
*NAWDEEP SINGH*  
Versus  
*THE OFFICIAL LIQUIDATOR, HIGH COURT,  
CALCUTTA.*

CA No.119 of 2015  
CP No.90 of 1983

IN THE MATTER OF:-  
*ANGELO BROS LTD.(IN LIQUIDATION) & ORS.*  
AND  
*ANGELO BROTHERS LTD.*

CA No.136 of 2015  
CP No.90 of 1983

IN THE MATTER OF:-  
*ANGELO BROS LTD.(IN LIQUIDATION) & ORS.*  
VS  
*THE OFFICIAL LIQUIDATOR, HIGH COURT,  
CALCUTTA.*

CA No.232 of 2015  
CP No.90 of 1983  
CA No.136 of 2015

IN THE MATTER OF:-  
*ANGELO BROS LTD.(IN LIQUIDATION) & ORS.*  
AND  
*ANGELO BROTHERS LTD.*

BEFORE:  
The Hon'ble JUSTICE **ANIRUDDHA BOSE**  
**Date : 15th July, 2015.**

*Appearance:-*

*Mr.N.S. Hoon appears.*

*Mr. Deepak Khosla, Advocate appears.*

*Mr.Mihir Kundu, Advocate.  
..for P.F. authority*

*Mr.Nirmalya Dasgupta, Advocate.  
Mr.R.L. Mitra, Advocate.  
... for K.N. Fatehpuria.*

*Mr. Rajiv Lall, Advocate.  
Mr.S.C.Prasad, Advocate.  
..for the Official Liquidator.*

*Mr. P.K. Jhunjunwalla, Adv. appears  
Mr. B.N. Josh, Adv.  
... for Jessop & CO.*

*Mr. Chayan Gupta, Adv. appears*

Re: CA No.119 of 2015  
CA No.431 of 2012  
CA No.578 of 2012

The Court:-In course of hearing today, on behalf of the Official Liquidator, objection was raised on appearance of on Mr. Khosla. It was submitted that without being instructed by any Advocate-on-record, he does not have right of audience before this Court as he himself is not enrolled with Registrar, Original Side of this Court as an Advocate-on-record to act in the Original Side of this Court. In fact, the Rule which prohibits acting in the Court by an Advocate who does not fulfil certain stipulations, is under challenge before this Court in which Mr. Khosla himself is the petitioner.

In view of such objection, Mr. Khosla, in course of hearing, has given an undertaking that an Advocate having authority to act as an Advocate-on-record would file Vakalatnama on behalf of his clients by

16<sup>th</sup> July, 2015. In view of this undertaking given before this Court, in course of hearing, I am permitting Mr. Khosla to address this Court.

RE: TA No.6 of 2015  
CA No.119 of 2015

The Judge's summons taken out in this matter is accompanied by a defect note jointly issued by the Superintendent and Section Officer of the Central Filing Section of this Court. The Judge's Summons was taken out on 13<sup>th</sup> February, 2015 as it appears from this note, although the same appears to have been stamped on 10<sup>th</sup> February, 2015. The defect note is on the following points:-

- “1. Presentation form has not been signed by the petitioner/applicant.
2. Jurisdiction is not correct.
3. Judge's summons has not been properly taken out and not signed by the appropriate authority.
4. Judge's summons is not served upon any one.”

In respect of the presentation page of the affidavit taken out in support of the Judge's Summons, I give leave to Mr. Hoon, who is present in Court today, to put his signature here and now. As regards the note on jurisdiction, Mr. Hoon, upon obtaining leave of this Court in course of hearing today has made correction in the first page of the Judge's Summons. Mr. Hoon has also signed the Summons. As regards the signature of the Registrar of the Judge's Summons, the Court

Assistant is directed to have the signature of such authority effected on the Judge's Summons in course of the day.

Learned Advocate for the Official Liquidator, who is the main respondent in this matter has appeared before this Court today. Let a copy of the Judge's Summons along with supporting affidavit be handed over to the learned Advocate appearing for the Official Liquidator.

In view of this direction, this Judge's Summons shall be treated to have been formally taken out as on date.

Re:-CA No.136 of 2015.

The Advocate-on-Record in this application is Mr. Raj Kumar Gupta, Advocate. It is submitted by Mr. Khosla he is no more representing the applicant. There appear to be certain defects in the Judge's Summons taken out in connection with the application, which Mr. Khosla undertakes to rectify after rising of the Court today.

Such Summons, however, is not signed by the Registrar. Let the Summons be treated to have been lodged as on date and copies of the same be served upon the respondents or their learned Advocates for the parties, specified in the Judge's Summons.

In CA No.136 of 2015, Mr. Khosla has prayed for video recording of the proceedings. Such prayer is not opposed by the learned Advocates appearing for the two Directors of Sahu Jain Limited namely, Mr. Samir Jain and Mr. Vineet Jain. The learned Advocate for the Official Liquidator

also does not oppose such prayer. Learned Advocate has appeared on behalf of Mr. Pawan Ruia. But he submits that the Vakalatnama of Pawan Ruia might not have been filed till date. He wants to ascertain the factual position and undertakes, in the event such Vakalatnama has not been filed, to file such Vakalatnama. In such circumstances, his presence on behalf of Mr. Pawan Ruia is noted. No one, however, has appeared on behalf of Mr. Haridas Mundra. Learned Advocate is also present on behalf of Kedar Nath Fatehpuria. None of the other appearing Advocates has opposed the prayer for video recording of the proceeding.

Learned Advocates appearing on behalf of the Directors of Sahu Jain Limited, Mr. Pawan Ruia as also Mr. Fatehpuria have highlighted the procedural defects in taking out the Judge's Summons. It was submitted that the Judge's Summons, taken out by the applicant, has not been sealed by the Registrar. But considering the fact that the Judge's Summons was filed on 27<sup>th</sup> February, 2015, I am giving leave to the applicant to move this application having the Judge's Summons sealed in course of the day. The Judge's Summons shall be treated to have been taken out as on date. Objection is also taken on behalf of Kedar Nath Fatehpuria as regards the manner in which the instant application has been taken out. According to the learned Advocate on behalf of Mr. Fatehpuria, the instant application ought not to have been numbered by the department. But having regard to the leave given by

this Court for curing the procedural formalities, I direct this application to be taken on record.

As regards prayer of Mr. Khosla for video recording of the proceeding, I have permitted such recording as there was no objection from the learned Advocates appearing for the different parties. But I make it clear that the proceedings being recorded today shall not form part of the official records of this Court as there is no Rule of the Court as yet framed permitting video recording of the proceedings before the Court. The recordings would be for the purpose of assistance of this Court, like noting of submissions of the parties in course of hearing and such recording shall not be made available to any of the parties or outsiders unless otherwise directed by this Court, and this Court shall have the power and authority to make necessary editing of the recorded version, removing any part therefrom which this Court considers it necessary to avoid any scandalous or undesirable or irrelevant matter to remain on record.

**(ANIRUDDHA BOSE, J.)**

