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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P.(I) (COMM.) 139/2016

MECHEL SOMANI CARBON (P) LTD Petitioner
Through: Ms. Gunika Gupta, Advocate.

versus

ESSKAY SHIPPING PVT LTD Respondent
Through: Mr. Siddharth Dutta, Advocate.

CORAM: JUSTICE S.MURALIDHAR

% **ORDER**
16.12.2016

1. The report of the issuance of non-bailable warrants (NBW) as well as reports from the banks are still awaited. Learned counsel for the Respondent states that he has no instructions.

2. It is seen that the Court has been making consistent efforts at securing the presence of Mr. Kukala Mohan Nageswar, the Managing Director (MD) of the Respondent since March, 2015. Bailable warrants were issued on 7th July, 2015 and NBWs on 18th August 2015, 15th January, 2016, 6th April, 2016, 22nd July, 2016 and 24th October, 2016. Despite the above, no report of execution of any of the NBWs has been received till date.

3. Further, despite specific directions, the Station House Officer (SHO) of the concerned Police Station (PS) at Vishakapatnam in Andhra Pradesh (A.P.) has not remained present to explain the failure to execute the NBW.

4. Likewise, till date, the reports from the banks, all of whom are located in



Vishakhapatnam, have not been received.

5. In the circumstances, a request is made to the learned District Judge, Vishakhapatnam to serve the Superintendent of Police (SP) as well as the SHO of the concerned PS, forthwith, copies of this order as well as the orders dated 18th August 2015, 15th January, 2016, 6th April, 2016, 22nd July, 2016 and 24th October 2016, Vishakhapatnam. The SP will call for a report from the SHO concerned a report about the status of compliance of all of the above orders issuing NBWs to secure the presence of the MD of the Respondent and file it in this Court before the next date.

6. The NBWs already issued are reiterated and every attempt should be made by the SP as well as the SHO of the concerned PS to ensure the presence of Mr. Kukala Mohan Nageswar, the MD of the Respondent in this Court on the next date. The said SHO shall remain present on the next date in the event of failure to execute the NBW.

7. The learned District Judge is also requested to ensure service of copies of this order as well as the order dated 24th October 2016 on the Branch Managers of the following banks:

(a) State Bank of India, Vishakhapatnam Port Area Branch,
Vishakhapatnam, Andhra Pradesh; Bank Account No.10723860030

(b) Union Bank of India, Ssi Finance Branch, Vishakhapatnam; Bank
Account No. 328904010015042

(c) Syndicate Bank, Dabagardens (Main) Branch, Vishakhapatnam;
Bank Account No.35801010006027

(d) ICICI Bank, Branch: Waltair Main Road Branch,
Vishakhapatnam; Bank Account No.036505002411



(e) IDBI Bank, Branch: Dabagardens Branch, Vishakhapatnam; Bank Account No. 150655100000082

8. The Managers of the above Banks will by the next date file a report of compliance of the order dated 24th October 2016.

9. The Registry will send a certified copy of the present order along with orders passed by the Court on 18th August 2015, 15th January, 2016, 6th April, 2016, 22nd July, 2016 and 24th October, 2016 through an accredited courier agency, as well as by Speed Post, to the learned District Judge as well as the SP, Vishakhapatnam for compliance.

10. List on 22nd February, 2017.

S. MURALIDHAR, J.

DECEMBER 16, 2016

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