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IN THE HIGH COURT OF DELHI AT NEW DELHI

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

MECHEL SOMANI CARBOB(P) LTD

..... Petitioner

Through: Ms Niyati Kohli, Advocate

versus

ESSKAY SHIPPING PVT LTD

..... Respondent

Through: Mr Siddharth Dutta, Advocate for ESPL

Mr Vipin Jain, Advocate for SBI

CORAM: JUSTICE S.MURALIDHAR

ORDER

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22.02.2017

1. Learned counsel for the SBI refers to the statement of account filed by the SBI which shows that there is NIL balance in the account of the Respondent. SBI need not appear in the proceedings.

2. Union Bank of India confirms attachment of the account of Esskay Shipping Pvt. Ltd. Syndicate Bank has informed that the company has closed its account with them on 25th January, 2014. Likewise ICICI Bank states that the account with it was closed on 24th January, 2014. IDBI Bank, Specialized Corporate Branch, #5-9-89/l&2, Chapel Road, Post Box No.370, Hyderabad – 500001 vide its letter dated 9th December, 2016 has stated that there is only a debit balance of Rs. 11,45,83,465.96 in the account of the Respondent. IDBI by another letter dated 17th January, 2017 informed that the bank recalled its loan to the Respondent and initiated action under the



SARFAESI Act against the Respondent.

3. As far as service of notice on the Managing Director (MD) of the Respondent, learned counsel for the Respondent again states that he has no instructions.

4. Despite orders of this Court to the SHO of the concerned Police Station at Vishakhapatnam to ensure presence of Mr. Kukala Mohan Nageswar the MD of the Respondent there is n report filed and no compliance either.

5. Numerous attempts have been made by this Court to secure the presence of Mr. Kukala Mohan Nageswar as noted in the order dated 16th December, 2016. This is an extraordinary situation where an individual is able to frustrate the process of law and turn fugitive from justice. This, obviously, cannot be condoned. In the circumstances, the Court is constrained to issue notice to Secretary, Home Department, Government of Andhra Pradesh at Hyderabad, which will be served through Resident Commissioner of Andhra Pradesh in New Delhi at Andhra Bhawan with a request to lend assistance to the Court in securing presence of Mr. Kukala Mohan Nageswar, MD of the Respondent. This order along with notice will be personally delivered forthwith to the Resident Commissioner by Special Messenger for compliance. The Secretary, Home will ensure that the non-bailable warrants already issued by the Court, which are re-issued for the next date, are executed by the SHO of the concerned police station at Viskhapatnam *qua* the address given.



6. List on 13th July, 2017.

7. *Dasti*.

FEBRUARY 22, 2017
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S.MURALIDHAR, J