

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.906/2020
IN
MISCELLANEOUS APPLICATION NO.799/2020
IN
CRIMINAL APPEAL NO.243/2020

PRERNA VIRENDRAKUMAR ARORA Applicant(s)/Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS. Respondent(s)

ORDER

The parties have now arrived at fresh settlement and following affidavits have been filed on 25.11.2020:

(a) Affidavit by Mr. Keyur Dinesh Pandya :- Paragraphs 4-9 of the affidavit are as under:

“4. I say that in view of above discharge of liability, for/and on behalf of Miss Prerna Arora, Kusum Arora and their father Mr. Virendra Kumar Arora, I have issued the following post dated cheques in favour of M/s. Padma Ispat private limited, the company represented by its Managing Director Mr. Anil Gupta tabulated herein below:-

S. No	Date	Chq .	Particular	Amount
1.	30/11/2020	025	Padma Ispat Pvt. Ltd.	10,00,000/-
2.	29/12/2020	345	Padma Ispat Pvt. Ltd.	37,00,000/-
3.	31/01/2021	347	Padma Ispat Pvt. Ltd.	30,00,000/-
4.	28/02/2021	348	Padma Ispat Pvt. Ltd.	40,00,000/-
5.	30/05/2021	349	Padma Ispat Pvt. Ltd.	3,12,00,000/-
6.	30/09/2021	350	Padma Ispat Pvt. Ltd.	3,50,00,000/-
			Total	7,79,00,000/-

5. I say that being the as a Family friend of Miss Prerna Arora, Miss Kusum Arora and Mr. Virendra Arora, I do hereby and on behalf of all the above, jointly and severally undertake to make payment of the Amount of Rs.7,79,00,000/- (Seven Crore Seventy Nine Lakh Only) along with the interest thereon to the Respondent no.3. I also personally indemnify/guarantee the payment of entire outstanding amount to be paid to Respondent no.3 as per para no.4.

6. That the present affidavit is being filed pursuant to the order of this Hon'ble Court dated 18.11.2020.

7. That pursuant to our willingness and as per Paragraph 14 of the Affidavit filed by the Respondent No.3 in response to the present application, a statement of commitment was sought from the Deponent on behalf of the Petitioner in the above mentioned case for payment of the entire outstanding dues as per the present affidavit.

... ..

9. That the Deponent further undertakes to honour the obligations arising out of the Cheques issued by him in favour of the Respondent No.3 on behalf of the Petitioner in order to fulfil his/her aforesaid obligations towards the Respondent No.3.”

(b) Affidavit by Mr. Rishabh D. Saraf :- paragraphs 4 to 9 of the affidavit are as under:-

“4. I say that in view of above discharge of liability, for /and on behalf of Miss Prerna Arora, Kusum Arora and their father Mr. Virendra Kumar Arora, I have issued the following post dated cheques in favour of M/s Padma Ispat Private Limited, the Company represented by its Managing Director Mr. Anil Gupta tabulated herein below:-

Sl. No.	Date	Cheque No.	Particular	Amount
1.	22/12/2020	319	Padma Ispat Pvt. Ltd.	25,00,000/-
2.	10/01/2021	334	Padma Ispat Pvt. Ltd.	15,00,000/-
4.	20/01/2021	335	Padma Ispat Pvt. Ltd.	15,00,000/-
4.	10/02/2021	323	Padma Ispat Pvt. Ltd.	15,00,000/-
5.	19/02/2021	324	Padma Ispat Pvt. Ltd.	15,00,000/-
6.	20/03/2021	325	Padma Ispat Pvt. Ltd.	50,00,000/-
7.	31/03/2021	326	Padma Ispat Pvt.	65,00,000/-

			Ltd.			
8.	20/04/2021	331	Padma Ispat Pvt. Ltd.	50,00,000/-		
9.	30/04/2021	332	Padma Ispat Pvt. Ltd.	65,00,000/-		
10.	30/07/2021	329	Padma Ispat Pvt. Ltd.	3,50,00,000/-		
11.	30/10/2021	330	Padma Ispat Pvt. Ltd.	2,67,,00,000/-		
			Total	9,32,00,000/-		

5. I say that being the partner and business associate of and also as a family friend of Miss Prerna Arora, Miss Kusum Arora and Mr. Virendra Arora, I do hereby and on behalf of all the above, jointly and severally undertake to make payment of the amount of Rs.9,32,00,000/- (Nine Crore Thirty Two Lakhs only) along with the interest thereon due from Ms. Prerna Arora as aforesaid to the Respondent No.3. I also personally and on behalf of M/s Mandiraa Entertainment (To the extent of share of deponent in the said company i.e. 25%) indemnify/guarantee the payment of entire outstanding amount to be paid to Respondent No.3 as per para No.4.

6. That the present affidavit is being filed pursuant to the order of this Hon'ble Court dated 18.11.2020.

7. That pursuant to our willingness and as per Paragraph 14 of the Affidavit filed by the Respondent No.3 in response to the present application, a statement of firm commitment was sought from the Deponent on behalf of the petitioner in the abovementioned case for payment of the entire outstanding dues as per the present affidavit.

8. That pursuant to the said requirement, the Deponent hereby willingly undertakes before this Hon'ble Court to fulfil the remainder of the obligations of the petitioner and co-obligers towards Respondent No.3 with an undertaking that no further time or any relief shall be sought in compliance of the payment by this deponent. Therefore, as a condition for the modification of this Hon'ble Court order as prayed for in the application, the Deponent unconditionally undertakes to fulfil the said liability of the petitioner as per such of the following schedules as full and final settlement as this Hon'ble Court may deem fit to direct in the interest of justice.

9. That the Deponent further undertakes to honour the obligations arising out of the Cheques issues by him in favour of the Respondent No.3 on behalf of the petitioner in order to fulfil his/her aforesaid obligation towards the respondent No.3."

(C) Affidavit has also been filed by Prerna Virendrakumar Arora:-

Paragraphs 5 to 7 of said affidavit are as under:

"5. I say that I am aware that Mr. Rishab and Mr. Keyur are filing the affidavit as an additional security for payment on my behalf.

6. I say that I am aware and agree that the said affidavit shall not preclude the liability cast upon me under the memorandum of understanding 30th August

2019 and the affidavit dated 4th March 2020 and that at all time I shall be liable for the payment of the outstanding dues as under:

S. No	Date	Chq No.	Particular	Amount
1.	22/12/2020	319	Padma Ispat Pvt Ltd	25,00,000/-
2.	10/01/2021	334	Padma Ispat Pvt Ltd	15,00,000/-
3.	20/01/2021	335	Padma Ispat Pvt Ltd	15,00,000/-
4.	10/02/2021	323	Padma Ispat Pvt Ltd	15,00,000/-
5.	19/02/2021	324	Padma Ispat Pvt Ltd	15,00,000/-
6.	20/03/2021	325	Padma Ispat Pvt Ltd	50,00,000/-
7.	31/03/2021	326	Padma Ispat Pvt Ltd	65,00,000/-
8.	20/04/2021	331	Padma Ispat Pvt Ltd	50,00,000/-
9.	30/04/2021	332	Padma Ispat Pvt Ltd	65,00,000/-
10.	30/07/2021	329	Padma Ispat Pvt Ltd	3,50,00,000/-
11.	30/10/2021	330	Padma Ispat Pvt Ltd	2,67,00,000/-
12.	30/11/2020	025	Padma Ispat Pvt Ltd	10,00,000/-
13.	29/12/2020	345	Padma Ispat Pvt Ltd	37,00,000/-
14.	31/01/2021	347	Padma Ispat Pvt Ltd	30,00,000/-
15.	28/02/2021	348	Padma Ispat Pvt Ltd	40,00,000/-
16.	30/05/2021	349	Padma Ispat Pvt Ltd	3,12,00,000/-
17.	30/09/2021	350	Padma Ispat Pvt Ltd	3,50,00,000/-
			Total	17,11,00,000 /-

7. I say that any breach in the terms of the affidavit shall constitute as the breach under the Memorandum of understanding 30th August 2019 and the affidavit dated 4th March 2020 and as a consequence, I may be liable for prosecution and the relief and liberty granted by this Hon'ble Court, the Hon'ble Court may withdraw.”

Ms. G.S. Mani, learned Advocate appearing on behalf of respondent No.3

submits that his client is willing to grant instalments as prayed for, provided the aforesaid affidavits are taken on record and the persons swearing the affidavits are bound by the terms of the affidavits.

Ms. Divyadeep Chaturvedi, learned counsel for the petitioner has no objection to the course suggested by Mr. Mani.

In the circumstances, the affidavits are taken on record. Mr. Pandya, Mr. Saraf and Ms. Arora are bound by the terms of the affidavits. They agree to abide by the terms as stated in the affidavit.

These Miscellaneous applications are disposed of in aforesaid terms.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

NEW DELHI;
DECEMBER 02, 2020.

ITEM NO.10 Court 4 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No(s).906/2020 in MA No. 799/2020
Cr1.A.No.243/2020

PRERNA VIRENDRAKUMAR ARORA

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(MR. R. SATHISH, ADVOCATE APPEARED ON BEHALF OF THE THE COMPLAINANT
IN CRIMINAL APPEAL NO. 243 OF 2020.

IA No. 108632/2020 - MODIFICATION OF COURT ORDER
IA No. 47796/2020 - MODIFICATION OF COURT ORDER)

Date : 02-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Divyadeep Chaturvedi, Adv.
 Mr. Kush Chaturvedi, AOR
 Mr. Sunny S. Punammiya, Adv.
 Ms. Priyashree Sharma Ph. Adv.

For Respondent(s) Mr. R. Sathish, AOR

UPON hearing the counsel the Court made the following
O R D E R

The M.As. are disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)