

ITEM NO.1502

COURT NO.1

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 20417/2017

(Arising out of impugned final judgment and order dated 21-06-2017 in CCPO No. 21/2017 passed by the High Court Of Delhi At New Delhi)

M/S DAIICHI SANKYO COMPANY LIMITED

Petitioner(s)

VERSUS

OSCAR INVESTMENTS LIMITED & ORS.

Respondent(s)

(IA NO.109491/2017-INTERVENTION/IMPLEADMENT, IA NO.15894/2018-INTERVENTION APPLICATION, IA NO.16727/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.8948/2019-APPROPRIATE ORDERS/DIRECTIONS, IA NO.15162/2019-APPROPRIATE ORDERS/DIRECTIONS 20582/2019-INTERVENTION APPLICATION, IA NO.49889/2019-INTERVENTION APPLICATION, IA NO.58004/2019-APPROPRIATE ORDERS/DIRECTIONS, IA NO.60303/2019-EXEMPTION FROM FILING ORIGINAL COPY OF POWER OF ATTORNEY, IA NO.61086/2019-VACATING STAY, IA NO.13394/2020-APPROPRIATE ORDERS/DIRECTIONS, IA NO.63276/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.63279/2020-EXEMPTION FROM FILING AFFIDAVIT, IA NO.12200/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.27869/2021-EXEMPTION FROM FILING AFFIDAVIT, IA NO.31830/2021-EXEMPTION FROM FILING AFFIDAVIT, IA NO.43465/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.59753/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.59754/2021-EXEMPTION FROM FILING AFFIDAVIT, IA NO.61149/2021-FOR TAKING ON RECORD ADDITIONAL DOCUMENTS ON BEHALF OF THE APPLICANTS - RESPONDENTS NO. 16, IA NO.61156/2021-EXEMPTION FROM FILING NOTARIZED AFFIDAVITS AND IA NO.61158/2021-APPLICATION FOR EXEMPTION FROM FILING TYPED DOCUMENTS)

WITH

CONMT.PET.(C) No. 2120/2018 in SLP(C) No. 20417/2017 (XIV)

IA NO.8239/2020-APPLICATION FOR PERMISSION TO IMPLEADMENT, IA NO.8243/2020-APPLICATION FOR IMPLEADMENT, IA NO.8254/2020-CLARIFICATION/DIRECTION, IA NO.19964/2020-EXEMPTION FROM FILING O.T., IA NO.42554/2020-INTERVENTION APPLICATION, IA NO.42565/2020-APPROPRIATE ORDERS/DIRECTIONS, IA NO.43119/2020-APPROPRIATE ORDERS/DIRECTIONS, IA NO.50764/2020-APPROPRIATE ORDERS/DIRECTIONS, IA NO.50766/2020-I/A FOR EXEMPTION FROM FILING ATTESTED/NOTARISED AFFIDAVIT, IA NO.53168/2020-INTERVENTION/IMPLEADMENT, IA NO.53172/2020-EARLY HEARING APPLICATION, 53175/2020-MODIFICATION, IA NO.53389/2020-EARLY HEARING APPLICATION, IA NO.53623/2020-EXEMPTION FILING ATTESTED AFFIDAVIT, IA NO.53841/2020-EXEMPTION FROM FILING NOTARIZED AFFIDAVITS, IA NO.54344/2020-PERMISSION TO

FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.54348/2020-EXEMPTION FROM FILING ATTESTED NOTARIZED AFFIDAVIT AND COURT FEES IA NO.55878/2020-EXEMPTION FROM FILING NOTARISED AFFIDAVIT, IA NO.69807/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.76957/2020-PERMISSION TO CHANGE COMPANY NAME BRAND NAME AND LOGO, IA NO.104589/2020- EXEMPTION FROM FILING NOTARIZED AFFIDAVIT, IA NO.110473/2020-CLARIFICATION/DIRECTION, IA NO.117077/2020-CONDONATION OF DELAY IN FILING REPLY AFFIDAVIT, IA NO.131208/2020-APPROPRIATE ORDERS/DIRECTIONS, IA NO.22822/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.40505/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.51476/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.56811/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.56815/2021-EXEMPTION FROM FILING NOTARIZED AFFIDAVIT, IA NO.58341/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ ANNEXURES, IA NO.58346/2021-EXEMPTION FROM FILING NOTARIZED AFFIDAVITS, IA NO.59355/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND 59357/2021-EXEMPTION FROM FILING AFFIDAVIT)

SMC(C) No. 4/2019 (XVII) By Courts Motion
(IA NO.18216/2020-INTERVENTION/IMPLEADMENT, IA NO.19690/2020-EXEMPTION FROM FILING O.T., IA NO.38048/2020-PERMISSION TO PLACE ON RECORD AFFIDAVITS, IA NO.42600/2020-INTERVENTION APPLICATION, IA NO.44855/2020-INTERVENTION APPLICATION, IA NO.44866/2020-APPROPRIATE ORDERS/DIRECTIONS, IA NO.121756/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.122124/2020-EXEMPTION FROM FILING NOTARIZED AFFIDAVIT AND IA NO.42093/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 22-09-2022 These matters were called on for pronouncement of judgment today.

For Parties

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Hon'ble the Chief Justice of India pronounced the judgment of the Bench comprising His Lordship, Hon'ble Ms. Justice Indira Banerjee and Hon'ble Mr. Justice K.M. Joseph.

The aforementioned petitions are disposed of and the operative portion in terms of the signed Reportable Judgment reads as under:

"30. In the premises we pass following directions:

(a) Contemnor Nos. 9 and 10 are sentenced to suffer six months imprisonment and pay fine in the sum of Rs.5,000/- each within four weeks from today. In case of default of payment of fine, the contemnors shall undergo further imprisonment of two months.

(b) Special Leave Petition (Civil) No.20417 of 2017, Contempt Petition No.2120 of 2018 in SLP (C) No.20417 of 2017 and Suo Motu Contempt Petition (C) No.4 of 2019 are disposed of with a direction to the High Court, before whom the proceedings in execution are pending, to consider appointment of forensic auditor(s) to analyse the transactions entered into by the noticee banks and financial institutions and to look into whether such transactions were *bona fide* and entered into in commercial expediency.

(c) The executing court may also consider issuing appropriate process and appointing forensic auditor(s) to analyse the transactions entered into between FHL and RHT and other related transactions.

(d) The amount of Rs.17,93,40,000/- which stands deposited in the Registry of this Court shall be transmitted to the executing court along with interest accrued thereon. The said amount shall be available to the executing court while considering execution of the instant foreign arbitral award.

(e) Certain shares which are still lying with the noticee banks and financial institutions, for example, the shares of FHL pledged with and continued to be held by RBL Bank which were dealt with in the order dated 15.04.2021 passed by this Court, shall be available to the executing court and shall abide by such order as the executing court may deem appropriate to pass.

(f) All the properties offered by Contemnor Nos.9 and 10 in their attempt to partially purge themselves of contempt shall also be available to the executing court and shall abide by such directions as the executing court may deem appropriate to pass. Consequently, there shall be attachment of all those assets which may await the decision or direction to be passed by the executing court in due course of time which may also include the questions whether the assets in question apparently in the names of certain persons/entities can be proceeded against.

(g) Needless to say that it shall be open to the executing court to pass such directions as the facts and circumstances presented before it may justify.

(h) All pending proceedings before the concerned courts, including the First Information Reports and proceedings before NCLT shall be taken to logical conclusion in accordance with law.

(i) The Registry shall send copies of all volumes, submissions and pleadings filed by the parties in the instant matters to the executing court for facility and record."

Pending applications, including applications for impleadment/intervention, also stand disposed of.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
COURT MASTER

(Signed reportable judgment is placed on the file.)

*Judgment re-uploaded after carrying out corrections (year '2017' instead of '2019') in paragraph 29(b) of the Judgment.