

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUIT NO. 11 OF 2014**

National Spot Exchange Ltd. ... Plaintiff

Versus

P.D.Agro Processors Pvt.Ltd. and Ors. ... Defendants

ALONG WITH

NOTICE OF MOTION NO. 1275 OF 2014

IN

SUIT NO. 781 OF 2014

WITH

NOTICE OF MOTION NO. 1493 OF 2016

IN

SUIT NO. 781 OF 2014

WITH

NOTICE OF MOTION NO.1488 OF 2016

IN

SUIT NO. 781 OF 2014

WITH

NOTICE OF MOTION NO. 408 OF 2015

IN

SUIT NO. 781 OF 2014

WITH

NOTICE OF MOTION NO. 929 OF 2015

IN

SUIT NO. 781 OF 2014

WITH

NOTICE OF MOTION NO. 634 OF 2017
IN
COMMERCIAL SUIT NO. 11 OF 2014

Mr.Cheragh Balsara a/w. Ms.Purvi Doctor i/b.Naik Naik and Company for the Plaintiff.

Mr.Kevic Setalvad a/w. Mr. V.K.Singh, Mr.V.J.Bhanushali, Mr. P. Deshpande i/b. Mr.V.J.Bhanushali for Defendant Nos. 2, 3, 5, 6, 7, 8, 9, 11, 12, 13 and 16.

Mr.A.H.Gandhi for Respondent Nos. 1 to 9.
i/b.SSP Legal for Defendant Nos. 10 and 20.

Mr.Rahul Kadam i/b.W.S.Kane and Company for Defendant o. 14.
i/b.Crawford Bayley and Company for Defendant No. 18.
i/b.S.A.Mangaldas for Defendant No.15.

CORAM : S.J. KATHAWALLA, J.
DATED : 16TH AUGUST, 2018

P.C.:

Heard the learned Advocates appearing for the parties and the following Order is passed :

1. Report No. 38 filed by the High Court Committee was accepted by this Court vide order dated 27th June, 2018. The liability of Defendant No. 1 i.e. P D Agro Processors Pvt Ltd against Plaintiff, National Spot Exchange Ltd (NSEL), has been accepted for Rs. 591,01,98,350.40/-.
2. Report No. 42 filed by the High Court Committee was accepted by this Court vide order dated 6th August, 2018. The liability of Defendant No. 1 i.e. P D Agro Processors Pvt. Ltd. against Plaintiff, National Spot Exchange Ltd (NSEL), has been accepted for Rs. 42.75 crores/-.

3. None present on behalf of Defendant No. 1. The present suit stands decreed in favour of Plaintiff being NSEL and against Defendant No. 1, P D Agro Processors Pvt. Ltd. for Rs. 633,66,98,350.40/-. The rate of interest payable by Defendant No. 1 shall be 9% p.a. from the date of accrual of the cause of action/default.
4. The Plaintiff shall file their claim with the Resolution Professional of Dunar Foods Limited and the same be considered.
5. The Suit is disposed off. However, the Plaintiff reserves its rights to pursue the suit against Defendant Nos. 2 to 20 in accordance with law in the event of the Plaintiff being unable to recover the decretal amount against Defendant No. 1. Hence, suit as against Defendant Nos. 2 to 20, shall revive if the Plaintiff is unable to recover the decretal amount from Defendant No. 1.
6. The sealing of decree is dispensed with under Rule 314 of the Bombay High Court (Original Side) Rules.

(S.J.KATHAWALLA, J.)