

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REPORT NO.5 OF 2016
IN
SUIT NO.173 OF 2014**

Modern India Ltd. And Ors. ... Plaintiffs
versus

63 Moons Technologies Ltd. And Ors. ... Defendants

**WITH
THIRD PARTY NOTICE NO.10 OF 2014**

Modern India Ltd. And Ors. ... Plaintiffs
versus

63 Moons Technologies Ltd. And Ors. ... Defendants

AND

White Water Foods Pvt. Ltd. And Ors. ... Third Party Noticees

Ms. Pooja Kothari I/by M/s. Federal and Rashmikan, for Plaintiffs.

Ms. Namita Shetty I/by M/s. Cyril Amarchand Mangaldas, for Defendant Nos.1, 3, 5, 6, 20 and 22.

Mr. Chirag Balsara with Ms. Madhu Gadodia, Ms. Purvi Doctor I/by M/s. Naik Naik and Co., for Applicant in Report No.40.

Mr. Sagar Ghogre I/by Mr. Deepak Lad I/by M/s. Loil Group, for Third Party Noticee Nos.4 and 5.

Mr. Nikhil Waje I/by M/s. Thodur Law Associates, for Defendant No.12.

CORAM: S.J. KATHAWALLA, J.

DATE: 23rd JULY, 2018

P.C.:

1. Report No.5 of 2016 renumbered as Report No.24 was accepted by this Court vide order dated 27th February, 2017. The liability of the Third Party Noticee No.1 i.e. White Water Foods Pvt. Ltd., against Defendant No.2 National Spot Exchange Ltd. (NSEL) has been accepted for Rs.84,81,93,196.73 Crores.

2. No one has appeared on behalf of the Third Party Noticees. The Third party Notice stands decreed in favour of Defendant No.2 being NSEL and against White Water Foods Pvt. Ltd., third Party Noticee No.1 for Rs.84,81,93,196.83 Crores. The rate of interest determined by the Court is 9% p.a., from the date of accrual of the cause of action/default.

3. Defendant No.2 NSEL reserves its rights for a decree against other Third Party Noticee Nos.2 to 6 in the event Defendant No.2 is unable to recover the decretal amount against the Third Party Noticee No.1.

(S.J.KATHAWALLA,J.)