

- 1 -

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13th DAY OF SEPTEMBER, 2019

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE KRISHNA S. DIXIT

REVIEW PETITION NO. 378 OF 2018

AND

REVIEW PETITION NO. 466 OF 2019

BETWEEN:

DR. VIJAY MALLYA
S/O. LATE SRI. VITTAL MALLYA,
AGED ABOUT 63 YEARS,
RESIDING AT 18-19
CORNWALL TERRACE,
REGENTS PARK,
LONDON NW1 4QP
REPRESENTED BY HIS
CONSTITUTED ATTORNEY
MRS. TUSHITA PATEL

... PETITIONER

(BY MR. K G RAGHAVAN, SENIOR COUNSEL A/W
SRI. VENKATESH MURTHY.G.R, ADVOCATE)

AND:

1. STATE BANK OF INDIA
A BANKING CORPORATION COSNTITUTED
UNDER THE STATE BANK OF INDIA ACT,1955
HAVING ITS CORPORATE CENTRE
AT STATE BANK BHAVAN
MADAME CAMA ROAD,
NARIMAN POINT
MUMBAI - 400021
AND HAVING ITS INDUSTRIAL FINANCE

BRANCH AT 61, RESIDENCY PLAZA,
RESIDENCY ROAD,
BENGALURU - 560025
REPRESENTED BY ITS MANAGER

2. BANK OF BARODA
A BODY CORPORATE UNDER
THE BANKING COMPANIES
(ACQUISITION AND TRANSFER OF
UNDERTAKING) ACT 1970
HAVING ITS HEAD OFFICE AT
BARODA HOUSE, P B NO 506,
MANDAVI, VADODARA - 396006
ACTING THROUGH ITS BRANCH
OFFICE AT P O BOX 11745
SAMATA BUILDING,
GENERAL BHOSALE MARG,
NARIMAN POINT, MUMBAI - 400021
REPRESENTED BY ITS MANAGER
3. CORPORATION BANK
A BODY CORPORATE CONSTITUTED
UNDER THE BANKING COMPANIES
(ACQUISITION & TRANSFER OF
UNDERTAKINGS ACT 1980)
AND HAVING ITS CORPORATE
OFFICE AT MANGALADEVI TEMPLE ROAD,
PANDESHWAR, MANGALORE - 575001
AND HAVING ITS INDUSTRIAL FINANCE BRANCH
AT RAILLARAM, MEMORIAL BUILDING
1ST FLOOR, CSI COMPOUND
MISSION ROAD,
BENGALURU - 560027
REPRESENTED BY ITS MANAGER
4. THE FEDERAL BANK LIMITED
A COMPANY WITHIN THE MEANING
OF THE COMPANIES ACT 1956' HAVING
ITS REGISTERED OFFICE AT FEDERAL
TOWERS ALUVA 683101
KERALA.
AND HAVING ITS BRANCH OFFICE AT
ST MARKS ROAD,
9 HALCYON COMPLEX,

ST MARKS ROAD,
BENGALURU - 560001
REPRESENTED BY ITS MANAGER

5. IDBI BANK LIMITED
A COMPANY INCORPORATED
UNDER THE COMPANIES ACT 1956
AND A BANKING COMPANY WITHIN
THE MEANING OF THE BANKING
REGULATION ACT 1949
HAVING ITS HEAD OFFICE AT
IDBI TOWER WTC COMPLEX,
CUFFE PARADE, MUMBAI - 400005
MAHARASHTRA, INDIA AND ACTING
THROUGH ITS BRANCH OFFICE AT
CORPORATE BANKING GROUP - FAMG
9TH FLOOR, IDBI TOWER,
WTC COMPLEX,
CUFFE PARADE, COLABA
MUMBAI - 400005
REPRESENTED BY ITS MANAGER
6. INDIAN OVERSEAS BANK
A BODY CORPORATE UNDER THE BANKING
COMPANIES (ACQUISITION AND
TRANSFER OF UNDERTAKING) ACT 1970
HAVING ITS CENTRAL OFFICE AT 763,
ANNASALAI, CHENNAI - 600002
AND ITS BRANCH OFFICE AT
HARIKRIPA 26-A, S V ROAD,
SANTACRUZ (W) MUMBAI - 400054
REPRESENTED BY ITS MANAGER
7. JAMMU & KASHMIR BANK LIMITED
A BANKING COMPANY INCORPORATED
UNDER THE JAMMU & KASHMIR,
COMPANIES ACT NO. XI OF 1977 (SAMVAT)
HAVING ITS REGISTERED OFFICE AT
CORPORATE HEADQUARTER,
MAULANA AZAD ROAD,
SRINAGAR, KASHMIR-190 001,
AND ITS BRANCH OFFICE,
AT SYED HOUSE, 124,
S.V. SAVARKAR MARG,

MAHIM (WEST),
MUMBAI-400 016,
REPRESENTED BY ITS MANAGER.

8. PUNJAB & SIND BANK
A BODY CORPORATE
UNDER THE BANKING COMPANIES
(ACQUISITION AND TRANSFER OF UNDERTAKING) ACT,
1980, HAVING ITS HEAD OFFICE AT 21
RAJENDRA PLACE, NEW DELHI - 110008
AND HAVING AMONGST OTHERS
A BRANCH OFFICE AT
J K SOMANI BUILDING
BRITISH HOTEL LANE,
FORT MUMBAI - 400023
REPRESENTED BY ITS MANAGER
9. PUNJAB NATIONAL BANK
A BODY CORPORATE
UNDER THE BANKING COMPANIES
(ACQUISITION AND TRANSFER
OF UNDERTAKING ACT 1970 (5 OF 1970)
HAVING ITS HEAD OFFICE
AT 7 BHIKAJI CAMA PALCE
NEW DELHI - 110607
ACTING THROUGH ITS LARGE CORPORATE
BRANCH AT CENTENARY BUILDING
28 M G ROAD
BENGALURU - 560001
REPRESENTED BY ITS MANAGER
10. STATE BANK OF MYSORE
A BODY CORPORATE CONSTITUTED
UNDER THE STATE BANK OF INDIA
(SUBSIDIARY BANKS) ACT 1959
HAVING ITS HEAD OFFICE AT
KEMPE GOWDA ROAD,
BENGALURU - 560009
AND ITS CORPORATE ACCOUNTS BRANCH
AT NO 18,
CORPORATE ACCOUNTS BRANCH AT NO 18,
RAMANASHREE ARCADE M G ROAD
BENGALURU - 560001
REPRESENTED BY ITS MANAGER

11. UCO BANK
A BODY CONSTITUTED
UNDER THE BANKING COMPANIES
(ACQUISITION & TRANSFER OF
UNDERTAKINGS) ACT 1970
AND HAVING ITS HEAD OFFICE AT 10,
BTM SARANI, KOLKATA -700001
WEST BENGAL INDIA
AND ITS BRANCH OFFICE AT 1ST FLOOR,
13/22 K G ROAD,
BENGALURU - 560009
REPRESENTED BY ITS MANAGER
12. UNITED BANK OF INDIA
A BODY CORPORATE
UNDER THE BANKING COMPANIES
(ACQUISITION & TRANSFER
OF UNDERTAKINGS) ACT 1970(5 OF 1970)
AND HAVING ITS HEAD OFFICE AT 11,
HEMANTA BASU SARANI
KOLKATA - 700001
ACTING THROUGH ITS
BRANCH OFFICE AT 40, K G ROAD,
BENGALURU - 560009
REPRESENTED BY ITS MANAGER
13. KINGFISHER AIRLINES LIMITED
A PUBLIC LIMITED COMPANY
INCORPORATED UNDER THE COMPANIES ACT 1956
HAVING ITS REGISTERED OFFICE AT UB TOWER,
LEVEL 12, UB CITY
24 , VITTAL MALLYA ROAD,
BENGALURU - 560001
REPRESENTED BY OFFICIAL LIQUIDATOR
REPRESENTED BY ITS MANAGER
14. UNITED BREWERIES (HOLDINGS) LIMITED (IN
LIQUIDATION)
A PUBLIC LIMITED COMPANY
INCORPORATED UNDER THE COMPANIES ACT 1956
HAVING ITS REGISTERED OFFICE AT UB TOWER,
LEVEL 12, UB CITY
24 , VITTAL MALLYA ROAD,

BENGALURU - 560001
REPRESENTED BY OFFICIAL LIQUIDATOR

15. KINGFISHER FINVEST INDIA LIMITED
A PUBLIC LIMITED COMPANY
INCORPORATED UNDER THE COMPANIES ACT 1956
HAVING ITS REGISTERED OFFICE AT UB TOWER,
LEVEL 12, UB CITY
24 , VITTAL MALLYA ROAD,
BENGALURU - 560001
REPRESENTED BY ITS MANAGER
16. SBI CAP TRUSTEE COMPANY LIMITED
NO 8, 5TH FLOOR, KHETAN BHAVAN
198, JAMSHEDJI TATA ROAD
CHURCH GATE
MUMBAI - 400020
REPRESENTED BY ITS MANAGER.
17. THE COMMISSIONER OF SERVICE TAX - I
CENTRAL EXCISE BUILDING
M K ROAD, CHURCH GATE,
MUMBAI - 400020
18. DIAGEO HOLDING NETHERLANDS B V
MOLENWERF 12, 1014,
BG AMSTERDAM THE NETHERLANDS
REPRESENTED BY ITS DIRECTOR.
19. UNIT TRUST OF INDIA INVESTMENT
ADVISORY SERVICES LIMITED
UNIT NO 2, BLOCK B, 1ST FLOOR,
JVPD SCHEME
GULMOHAR CROSS ROAD,
NO 9, ANDHERI WEST
MUMBAI - 400049
REPRESENTED BY ITS MANAGER.
20. STANDARD CHARTERED BANK
1 BASINGHALL AVENUE
LONDON, EC2V 5DD,
UNITED KINGDOM,
REPRESENTED BY ITS MANAGER.

- 7 -

21. J M FINANCIAL ASSET RECONSTRUCTION CO PVT LTD
7TH FLOOR, CNERGY,
APPASAHEB MARATHE,
MARG, PRABHADEVI
MUMBAI - 400025
REPRESENTED BY ITS DIRECTOR.

... RESPONDENTS

THESE REVIEW PETITIONS ARE FILED UNDER ORDER 47 RULE 1 READ WITH SECTION 114 OF THE CPC, 1908 AND ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I) CALL FOR RECORDS OF W.P. NO.16351/2018 (GM-DRT) AND W.P. NO. 22111/2018 (GM-DRT) AND ETC.,

THESE PETITIONS COMING ON FOR *ADMISSION* THIS DAY, **KRISHNA S. DIXIT.J.**, MADE THE FOLLOWING:

ORDER

These Review Petitions are directed against the common order dated 05.10.2018 whereby, petitioner's Writ Petition No.22111/2018 (GM-DRT) c/w W.P.No.16351/2018 (GM-DRT), calling in question Debt Recovery Appellate Tribunal's order of 28.03.2018 directing him to deposit a sum of Rs.3101 Crore, as a precondition for maintaining his appeal, has been dismissed on merits.

2. Learned Senior Counsel Sri.K.G.Raghavan appearing for the counsel on record for the Review Petitioner argues that certain "significant events" transpiring between 18.09.2018 and 05.10.2018 having a crucial bearing on the

subject Writ Petitions could not be placed on record before the passing of the order in review, despite due diligence; if these events were placed on record and adverted to by the court, the outcome of the Writ Petitions would have been different and to the benefit of the petitioner; he points out that the common order in review does not refer to petitioner's I.A.No.3/2018 in OSA No.5/2017 and connected matters wherein, the respondent No.14 there, i.e. UBHL supported by the petitioner had made a bona fide offer of Rs.13,960.31 Crore as on 3.8.2018 for final settlement, and this non-reference to the petitioner's Memo dated 11.09.2018 whereby a copy of he said application was produced, constitutes an error apparent on the face of the record.

3. Having heard the matter, this Court declines indulgence because:

(i) the subject Writ Petitions were heard and reserved for judgment on 18.9.2018; the common order now in review, came to be pronounced on 5.10.2018; the "significant events" that transpired during this interregnum period allegedly relate to an order dated 1.10.2018 made by a Co-ordinate Bench of this

Court on I.A.No.3/2018 in OSA No.5/2017 as a step-in-aid of arguably the intended contribution by the “contributory companies” namely UBHL towards repayment of the debt; since the making of the said order, nearly a year has lapsed and nothing concrete has happened pursuant thereto, and not even a rupee has been repaid out of Rs.13,960.31 Crores “offered bona fide for settlement”; there is nothing significant in the contention of the petitioner as would warrant exercise of review jurisdiction in his favour;

(ii) to the court’s poser that the Review Petitioner in his cases before the English Courts having maligned the Indian Judiciary, whether is entitled to invoke the jurisdiction of this Court, the counsel replies that in the law relating to extradition, certain specific grounds were taken by the petitioner there, is true, but the allegation as such, is not; he hastens to add that there is nothing on record of this case at least, as would justify denial of relief to the petitioner on that ground per se; since we have held that the Review Petitions do not merit consideration, much is not deliberated as to the conduct of the petitioner before the Foreign Courts.

No other ground having been urged and the Petitions being devoid of merit, are rejected in limine.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

Snb/

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