

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 148 OF 2020

Vijay Vittal Mallya s/o. Vittal Mallya .. Applicant

Versus

State Bank of India & Ors. .. Respondents

.....

- Mr. Amit Desai, Senior Advocate a/w Mr. Rashmin Jain, Advocates for Applicant
- Ms. Rajeshree V. Newton, APP for State

.....

WITH

CRIMINAL APPLICATION NO. 1186 OF 2021

WITH

INTERIM APPLICATION NO. 197 OF 2022

Kamsco Industries Pvt Ltd .. Applicant

Versus

State Bank of India & Ors. .. Respondents

.....

- Mr. Amit Desai, Senior Advocate, Advocate for Applicant
- Mr. Sukanta A. Karmkar, APP for State

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 12, 2026

P. C.:

CRIMINAL APPLICATION NO. 148 OF 2020:-

1. Heard.
2. These Applications have seen the light of the day today for the first time after the Board Department was directed to list all old shelf matters. Application is filed on 21.01.2020, *inter alia*, seeking quashing of the order dated 31.12.2019 passed by the Special Judge

for CBI at Mumbai in Misc. Application No. 58 of 2019 in ECIR No. ECIR/03/MEZO/2016, copy of which is appended at page No. 96.

3. Mr. Desai, learned Senior Advocate would submit that the Application is filed six years ago in regard to seizure of Applicant's assets but in view of the subsequent development and payments affected the proceedings in which the impugned order is passed have effectively become redundant. He would submit that the Application was filed at a stage when discussions over possible settlement were negotiated by the Applicant. He would submit that most of the assets identified and attached by the Enforcement Directorate in the original proceedings have already been dealt with and therefore the issue rather the commercial dispute needs a closure. He has emphatically submitted that Applicant's civil liabilities have effectively been settled by mentioning that the consortium of banks have recovered approximately Rs.15,000 Crores from the Applicant when compared with the original claim of Rs.6203 odd Crores including interest. This however needs to be ascertained and confirmed by the Respondents. In the course of his submissions, he would also submit that reliance on the contents of the RBI audit of the Applicant's and his Company's accounts would be necessary. The present Applications are challenging the Special PMLA Court's order allowing the lender consortium of Banks to utilise the confiscated assets for debt recovery.

4. After hearing Mr. Desai and adhering to his submissions having been made, *inter alia*, with regard to recovery of assets in relation to the debt of companies of Applicant and considering that there are similarly placed 4-5 matters, details of which shall be given to the Court, one of which is at Sr. No. 49 today, it would be appropriate at this juncture to issue notice only to Respondent No.1 - SBI (Lead Bank) and Respondent No. 13 - Deputy Director, Directorate of Enforcement in order to apprise the Court about the aforesaid submissions made by Mr. Desai and further development in the aforesaid ECIR case. Notice has not been issued till date as the matter is listed for the first time today before Court. Applicant also did not move the matter. Hence issue Notice. Hamdast permitted. Notice is made returnable on 09.09.2026.

5. It is clarified that only after hearing Respondent No. 13, this Court will decide the further course of action in the present Application and consider issuing notices to the other Respondents.

6. In the meanwhile as requested by Mr. Desai, Applicant is granted leave and liberty to file additional affidavit with regard to the further development having taken place after filing of the present Application having bearing on the aforesaid issue. Copy of the additional affidavit shall also be served on Respondent No.1 and Respondent No.13 for their response.

Criminal Application No. 1186 of 2021:-

7. Mr. Desai informs the Court that he has not been served with the copy of reply filed by SBI. SBI is directed to serve copy of the affidavit in reply to the Applicant before the next date.

8. Learned Advocate for SBI requests the Court to take copy of the Court papers since their papers are missing. Request is granted by following the due procedure. Registry is requested to give copy of the Court papers to Advocate for SBI. Appearance is not given by the Advocate for SBI.

9. Stand over to **9th September, 2026.**

[MILIND N. JADHAV, J.]

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