

# Jehangir Khajotia

Advocate, High Court  
Email id [jehangirmk@gmail.com](mailto:jehangirmk@gmail.com)

3<sup>rd</sup> Floor, Room No.16, Radha bhavan, Nagindas Master Road, Mumbai - 400 023

22<sup>nd</sup> January 2024

To,

**1. Ms. Shilpa Bhate & Associates**

Advocates for Custodian,  
217, 2<sup>nd</sup> Floor, Rex Chamber,  
W.H. Marg, Ballar Estate,  
Mumbai – 400 001  
Email: [shilpabhatelegal@gmail.com](mailto:shilpabhatelegal@gmail.com)

2. Mr. Ashwin S. Mehta,  
Advocate for the Applicant,  
32, Madhuli Apartments,  
Dr. Annie Besant Road,  
Worli, Mumbai – 400 018.

Madam/Sir,

Re. Before the Special Court (Trial of Offences Relating to  
Transaction in Securities) Act, 1992  
Misc. Application No.10 of 2023  
Jyoti H. Mehta ... Applicant  
Versus  
The Custodian & Ors. ... Respondents

I am concerned for my clients, the Respondent Nos.5, 8.1 and 9.1  
in the above matter.

Please find enclosed herewith the copy of the Sur-Rejoinder filed  
on behalf of my client, the Respondent No.5, as and by way of service  
upon you. Kindly acknowledge receipt of the same.

Yours faithfully,

  
(Jehangir Khajotia)  
Advocate High Court

Encl: as above.

BEFORE THE SPECIAL COURT (TRIAL OF OFFENCES  
RELATING TO TRANSACTIONS IN SECURITIES) ACT,  
1992.

MISC. APPLICATION NO.10 OF 2023

Smt. Jyoti H Mehta,.....APPLICANT.

Versus

The Custodian and ors.....RESPONDENTS.

**INDEX**

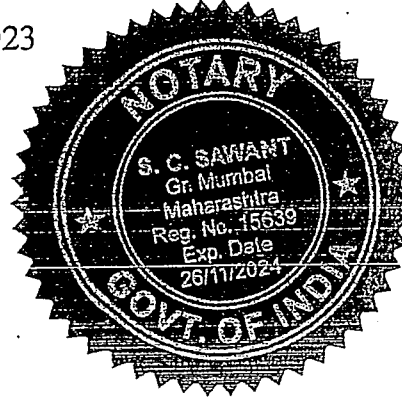
<b><u>Sr. No.</u></b>	<b><u>Particulars</u></b>	<b><u>Pages</u></b>
1.	Affidavit in Sur-Rejoinder on behalf of the Respondent No.5.	960 - 981
2.	<b><u>Exhibit "A"</u></b> Copy of the dividend showing that the same was deposited in his two Bank Accounts as on 15 <sup>th</sup> March 1993, 9 <sup>th</sup> November 1995, 14 <sup>th</sup> November 1995 and 19 <sup>th</sup> November 1996 and cheque number, warrant number, amount, folio number.	982 - 989

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BEFORE THE SPECIAL COURT (TRIAL OF OFFENCES  
RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992

MISC. APPLICATION NO.10 OF 2023

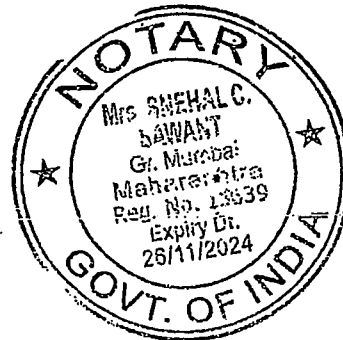
Smt. Jyoti H Mehta, As sole legal heirs  
of late Harshad S Mehta residing at 32,  
Madhuli, Dr. Annie Besant Road, Worli,  
Mumbai – 400018.



.....Applicant.

Versus

1. The custodian having their office 221 Nariman Bhavan, 10<sup>th</sup> floor, Narimanpoint, Mumbai – 400021.
2. Hero Metro Corp Ltd., having its office at the Grand Plaza, Plot no. 2, Nelson Mandela Road, Vasant Kunj, Phase II, New Delhi – 110070.
3. KFin Technologies Pvt. Ltd, having its office at Selenium, Tower B, Plot nos. 31 and 32, Financial District, Nanakramguda, Serlingampally Mandal, Hyderabad – 500032.
4. Chairman, Investor Education & Protection Fund (IEPF), having its office at Ground floor, Jeevan Vihar Building, 3 Sansad Marg, New Delhi – 110001.
5. Nirav D. Jobalia, residing at c/o Bella Electronics, 5/6 Sevasharam Shopping Centre, 5 Bati Bharuch- 392001.
6. Late Nilesh D. Jobalia,
- 6.1 Alpa N. Jobalia



6.2 Aditi N. Jobalia, respondent no. 6 is represented by legal heirs 6.1 and 6.2 residing at c/o Bella Electronics, 5/6 Sevasharam Shopping Centre, 5 Bati Bharuch- 392001.

7. Alpa N. Jobalia, residing at c/o Bella Electronics, 5/6  
Sevasharam Shopping Centre, 5 Bati Bharuch- 392001.

8. Late Dalichand Jhoothalal Jobalia,

8.1 ShriNirav D Jobalia, Respondent no. 8 is represented by sole legal heirs Respondent no. 8.1, residing at flat no. B-801, Arihant Avenue –C, Jamnagar Road, Ghanteshwar, Rajkot ,Gujrat – 360006.

9. Late Smitaben Dalichand Jobalia,

9.1 ShriNirav D. Jobalia, Respondent no. 9 is represented by sole legal heir Respondent no. 9.1, residing at flat no. B-801, Arihant Avenue –C, Jamnagar Road, Ghanteshwar, Rajkot Gujrat – 360006.

.....Respondents

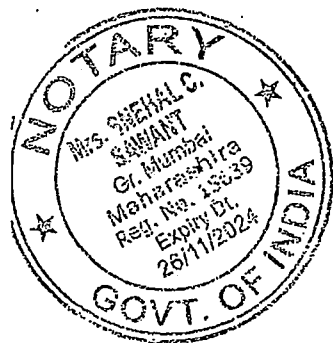
**AFFIDAVIT IN SUR-REJOINDER ON BEHALF OF**  
**RESPONDENT NO.5, NIRAV D. JOBALIA:**

I, Nirav D. Jobalia, Age 44 years, the Respondent no.5 above named; Hindu, Indian Inhabitant, having address at D-404, Annapurna Complex, Kasak, Bharuch 392 001, do hereby on solemn affirmation say as under:

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1. It is submitted on behalf of the Respondent No.5 that he had filed Affidavit in Reply to the Misc. Application No.10 of 2023 filed by the Applicant and the Applicant filed the Affidavit in Rejoinder dated 1<sup>st</sup> December 2023. The same was received by my Advocate on 5<sup>th</sup> December 2023 and accordingly, the Respondent No.5 is filing his Affidavit in Sur-Rejoinder thereto as under:-
2. I say that I have read the contents of the Affidavit in Rejoinder filed by the Applicant and by way of Sur-Rejoinder, the Respondent No.5 have to state as under.
3. I say that I deny whatever is stated by the Applicant in Affidavit in Rejoinder filed by the Applicant, to my Reply, the contents of my Reply are true and correct and whatever the Applicant is stated in the Application and Affidavit in Rejoinder is denied by me and same should be admitted by me unless it is so specifically stated by me.
4. With reference to paragraphs 1 and 2 of the Rejoinder, no comments offered on the same.
5. With reference to paragraph 3 of the Rejoinder, that the Respondent No.5 has made false statement and thereby have committed an offence of perjury. It is denied by the Respondent No.5 that he has not come to the Court with clean hands and is suppressing material facts and evidence in his



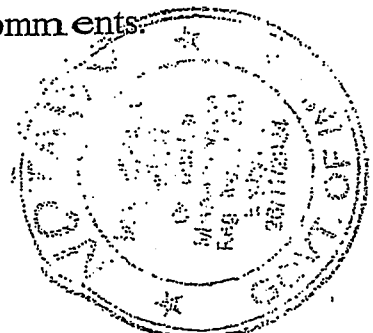
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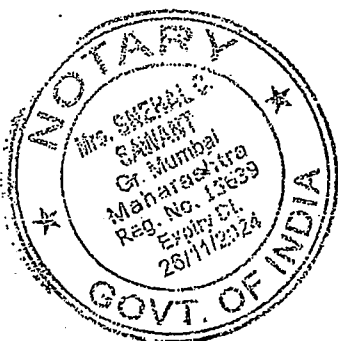
possession particularly relating to sell of Hero Honda Motors Ltd. The Applicant have no right to mention in the paragraph no.3 that the shares are attached shares, as no order has been passed by any Court that the shares of Hero Honda which the Applicant is wrongfully claiming from the Respondent No.5 as attached shares. The Respondent No.5 deny that the averments made by him are on the basis of hearsay and not to his personal knowledge. The judgments which are relied by the Applicant will be seen at the time whenever called upon to argue and not at this stage. It is denied by me that I had defended the allegation made by the Applicant against the Respondent Nos.2 and 3. On the contrary, I have stated the truth.

6. With reference to paragraph 4 of the said Rejoinder, it is correct to say that the Applicant had addressed a reply to my Advocate which is mentioned in paragraph no 4 and the same was replied by my Advocate. The Reply sent by me through my Advocate dated 24<sup>th</sup> November 2023, the same is marked as Exhibit-B to the Affidavit in Rejoinder by the Applicant are true and correct and it was clearly mentioned by me through my Advocate that under Section 9A of TORTS Act, there is no provision for inspection of the documents and I stick to my reply send through my Advocate.
7. The paragraph 5 of the said Rejoinder required no comments.

*(Signature)*



8. With reference to paragraph 6 of the said Rejoinder, whatever stated by the Respondent No.5 in paragraph 2 of the Affidavit in Reply is correct and it is denied by my client that the attachment statutorily takes place simultaneously on the date of notification and no separate order is required to be passed by this Hon'ble Court for attachment of each property belonging to the notified person. No order, of having meaning of the same has been produced by the Applicant.
9. With reference to paragraph 7 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.3 in his Affidavit in Reply is true and correct and the question of limitation arises in the present case and the application of the Applicant is liable to be dismissed on the point of limitation itself. No law suggest a situation that any person other than custodian can file an application for recovery of the shares under the Act.
10. With reference to paragraph 8 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.4 in his Affidavit in Reply is true and correct. The reference of the order passed by this Hon'ble Court dated 13<sup>th</sup> March 1997 being Exhibit-U of the Application will be argued as and when called upon and no comments are required at this juncture.

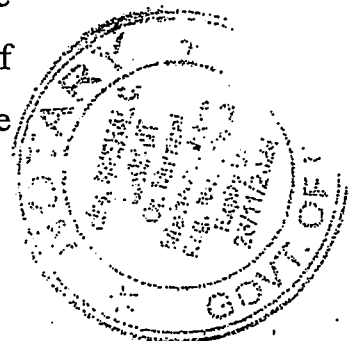


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11. With reference to paragraph 9 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.5 in his Affidavit in Reply is true and correct. It is denied by the Respondent No.5 that he has denied the allegation on behalf of Respondent Nos.2 and 3. On the contrary, he has brought true facts before this Hon'ble Court.
12. With reference to paragraph 10 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.6 in his Affidavit in Reply is true and correct. The said question of law has been raised by the Applicant in the present paragraph and the same does not require any comments and will be argued as and when called for.
13. With reference to paragraph 11 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.7 in his Affidavit in Reply is true and correct.
14. With reference to paragraph 12 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.8 in his Affidavit in Reply is true and correct.
15. With reference to paragraph 13 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.9 in his Affidavit in Reply is true and correct. It is denied that the Respondent No.5 was never the owner of the said shares of the Respondent No.2. The same was purchased by the

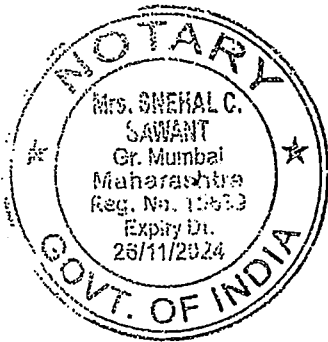
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Respondent No.8 in the name of answering Respondent being his father, as admitted by him in his Affidavit in Reply.

16. With reference to paragraph 14 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.10 in his Affidavit in Reply is true and correct. The said question of law has been raised by the Applicant in the present paragraph and the same does not require any comments and will be argued as and when called for.
17. With reference to paragraph 15 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.11 in his Affidavit in Reply is true and correct. The details of the computer program develop in-house has not been given by her neither she has mentioned the same is her personal knowledge or his her hearsay knowledge. Therefore, no comments are offered on the same and has out rightly to be rejected. It is denied that the Respondent No.5 is defending the allegation levelled against Hero Honda Motors Ltd. And share transfer agent.
18. With reference to paragraph 16 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.12 in his Affidavit in Reply is true and correct.
19. With reference to paragraph 17 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.13



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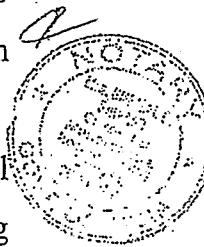
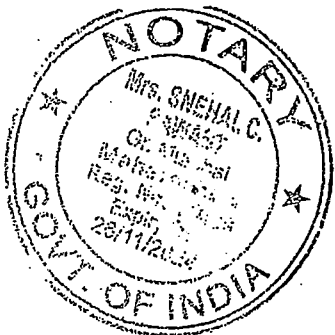
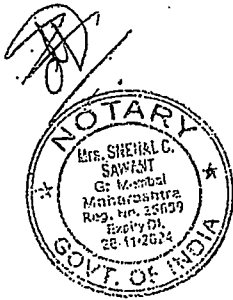
in his Affidavit in Reply is true and correct. The said shares were never the attached shares therefore there was no need for Respondent No.5 to apply before these Hon'ble Court by making a claim on the said shares. The said shares were never the attached shares and were and were never the attached property as per Exh F of the miscellaneous application. The said 800 shares which were benami in nature were standing in the name of Nilesh Jobalia and not the present Respondent No.5. The Applicant has challenged the ownership of the shares belonging to Respondent No.5. If this is a situation, the Applicant should drop the proceedings against the Respondent No.5. The said shares were purchased by the Respondent No.5's father viz. Respondent No.8 mentioned in the present Application from the various sellers, their names are apparently appearing on Memorandum of Transfer of Shares mentioned overleaf. But it is important to note that the Memorandum of Transfer of Shares mentioned overleaf, the name of Shree Harshad Mehta is nowhere mentioned, this goes to show that the Respondent No.8 had purchased the said shares in the name of Respondent No.5 and the same was purchased by the Respondent No.8 in the name of answering Respondent in his name being his father, as admitted by him in his Affidavit in Reply. The said shares which the Applicant was possessing, the same is being purchased by his father in his name were of two Folios being Folio No.136972 and Folio No.136970. From the Folio No.136972, there were original 700 shares and on 21<sup>st</sup> November 1994, 4:1 Bonus shares were

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issued, which comes to 700 + 175 shares totaling to 875 shares and on 10<sup>th</sup> August 1998 1:1 Bonus shares were issued, which comes to 875 + 875 totaling to 1750 shares. The said 1750 shares was splitted into 5 denomination (1750X5) totaling to 8750 shares. The said original 8750 shares were deposited with Respondent No.2. The shares from Folio No.136970 were having only 100 shares, as on 21<sup>st</sup> November 1994, 4:1 Bonus shares were issued, which comes to 100 + 25 shares totaling to 125 shares and on 10<sup>th</sup> August 1998 1:1 Bonus shares were issued, which comes to 125 + 125 totalling to 250 shares. The said 250 shares was splitted into 5 denomination (250X5) totaling to 1250 shares.

All available original shares certificate, bonus certificate and counter slip / covering letters, were submitted to the Respondent No.2 in the year 2017 by the answering Respondent. After all paper formalities the Respondent No.3 given Entitlement Letters for Both Folios, had applied to IEPF and the process was initiated for the same, and had followed the process at laid down in the IEPF Rules by claiming shares and dividend in IEPF-5 e form. It was the duty of the Applicant to produce evidence of purchase of shares of Hero Honda Motors Ltd. in their names such as copies of Contract Notes and Bills and complete particulars through which registered members of the Stock Exchange they have affected the purchases, to prove that the said shares were Benami and the documents cannot be called for from me as per paragraph no.17. It is also important to note

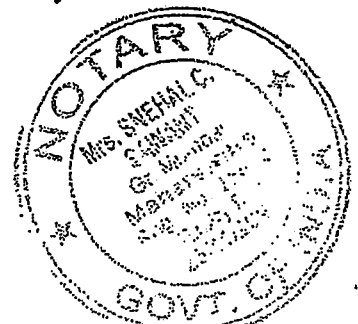


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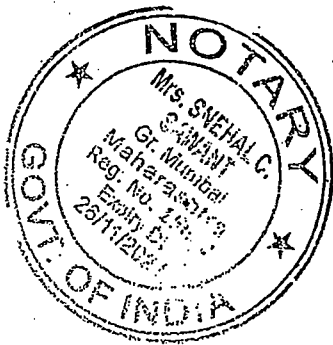
that the dividend earned on the original 800 shares were directly deposited in the bank account of the Respondent no 5 itself. Hereto annexed and marked as Exhibit "A" (colly) is a copy of the dividend showing that the same was deposited in his two Bank Accounts as on 15<sup>th</sup> March 1993, 9<sup>th</sup> November 1995, 14<sup>th</sup> November 1995 and 19<sup>th</sup> November 1996 and cheque number, warrant number, amount, folio number. The said Respondent No.5 recently had gone to his native place at Damnagar and had found the said documents produced herein and is annexing the same.

20. With reference to paragraph no.18 of the said Rejoinder, it is denied that any case is made out by the Applicant that the Respondent No.5 will get away in usurping the attached property.
21. With reference to paragraph 19 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.14 in his Affidavit in Reply is true and correct. Already the answering Respondent has given his full explanation in paragraph no.19 above in the present Sur-Rejoinder and need not repeat the same. In the said paragraph, the question of law has been raised and will be argued as and when called upon and no comments are required at this juncture.
22. With reference to paragraph no.20 of the said Rejoinder, it is denied that the Respondent no 5 has fabricated a false story

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about threats issued to him and he is ready to produce the evidence when called for. The said shares of Respondent no. 5 were never the attached shares therefore there is no question of handing over the same to Smt. Jyoti Mehta (Applicant), as Shree Harshad Mehta was never the owner of the said shares. It is an uncontroverted fact as mentioned in present para under reply that the Ashwin Mehta called upon the Respondent No.5 including his family members, this shows that the threat were given to Respondent No 5. The said Ashwin Mehta had no rights to contact the Respondent no 5, it was the duty of the custodian. It is denied that the Respondent No.5 had made a commitment that he will hand over the subject shares with accruals and sale proceeds. The said Ashwin Mehta crossed his limits under the Act. It is denied that any of the copies of the order was provided to Respondent no 5. There was no commitment made by Respondent No.5 to the Ashwin Mehta of handing over the shares with accruals and the sale proceeds therefore there is no question of changing his mind on return. The said Ashwin Mehta had no right to ask for the shares directly from the Respondent No.5 as it was the duty of the custodian. The said Ashwin Mehta has taken the law on his own hands which is not justifiable. Further the Applicant admitting that she had taken the help of one Jatin Makani of Ahmedabad and Rajkot extended his help to Shri Ashwin Mehta and setup a meeting with police authority in Ahmedabad so that the steps of recovery of the said could be initiated against Jobalias. This goes to show that the Applicant

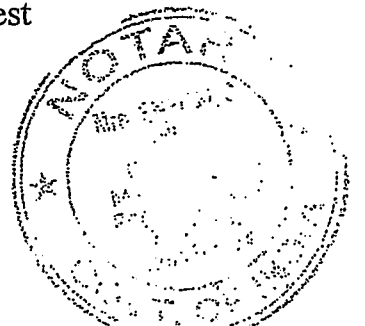


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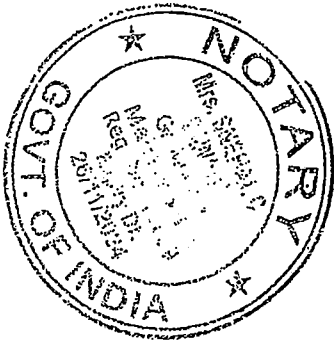
does not want to follow the due process of law and he has used the investigation agency of Ahmedabad illegally and without following due process of law. The Applicant be directed to produce the address of Shri Jatin Makani and the police officers' name who acted illegally and without any order to attach the shares of the Respondent no 5, so that action can be taken against them. The Applicant be directed to give the name of concerned police station to whom she approached. The Respondent no 5 is not aware of Kalpana Jobalia and her two sons co-operation of the shares to be recovered from the IEPF therefore no comments are offered on the same. The Applicant, as mentioned by her in her Affidavit in Rejoinder in response to the Affidavit in Reply of the Respondent No.5 that she has taken any permission from the Respondent No.1 being the Custodian or she has not produced any authority given to her by the Custodian or any order passed by this Hon'ble Court to show that she has a right to pursue recovery of attached shares and accruals from Smt. Kalpana Jobalia. If the case of the Applicant ought to have been true, she would have produced documents or correspondence exchanged between the Applicant and the Respondent No.5 and the Applicant has not produced any shares recovered at the behest of Smt. Kalpana Jobalia and produced the same before the Custodian. The Respondent no 5 case is genuine as projected by him in his affidavit in reply filed by him to the main Misc. Application and is denying that he has taken any dishonest

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stand as mentioned by the applicant in the present para under reply.

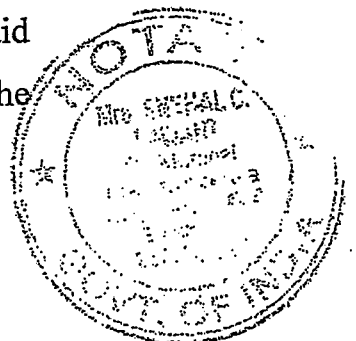
23. With reference to paragraph no.21 of the said Rejoinder, it is denied by the Respondent no 5 that he is pressurizing Smt. Kalpana Jobalia and her family members to hand over the shares as mentioned by the Applicant. If the case of the Applicant had been true he would have served the other Respondents, these go to show that the Applicant is never in touch with the other Respondents and has filed a false Affidavit. It's a family dispute and no explanation can be called by the Applicant on the count that why he is not in speaking terms with Respondent nos. 6.1, 6.2 and 7.
24. With reference to paragraph 22 of the said Rejoinder, I say that the Respondent no 5 father namely Respondent no 8 had purchased the said shares, as mentioned above, in the name of Respondent no 5. The said shares were purchased by my father in the year 1992 and enough evidence I have produced in my Reply filed earlier, to show that my father namely Respondent no.8 had the capacity to purchase the said shares. No evidence has been produced by the Applicant that the said shares were purchased at the behest of Shree Harshad Mehta also the dividend earned in the shares were rooted into his account. If the evidence has not been produced by the Applicant, the same cannot be called from me by the Applicant. It is denied by the Respondent no 5 that he has



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taken the false and baseless defenses, on the contrary I have spoken the truth. It is important to note that Respondent no 8 and 9 were never the notified parties under the Act.

25. With reference to paragraph 23 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.15 in his Affidavit in Reply is true and correct.
26. With reference to paragraph 24 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.16 in his Affidavit in Reply is true and correct. In the said paragraph, the question of law has been raised and will be argued as and when called upon and no comments are required at this juncture.
27. With reference to paragraph 25 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.17 in his Affidavit in Reply is true and correct. In the said paragraph, the question of law has been raised and will be argued as and when called upon and no comments are required at this juncture.
28. With reference to paragraph 26 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.18 in his Affidavit in Reply is true and correct. The said Application of the Applicant is belated after 30 years the said Application being filed in the year 2023. It is denied by the

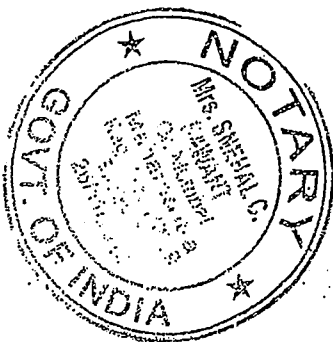




answering Respondent that the shares of Respondent No.2 which he was owing are having identical facts as the facts of 800 shares previously traced and identified in the name of Nilesh D Jobalia. No nexus has been produced by the Applicant for the same.


29. With reference to paragraph 27 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.19 in his Affidavit in Reply is true and correct. In the said paragraph, the question of law has been raised and will be argued as and when called upon and no comments are required at this juncture.

30. With reference to paragraph 28 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.20 in his Affidavit in Reply is true and correct. In the said paragraph, the question of law has been raised and will be argued as and when called upon and no comments are required at this juncture. In the cause title itself the Applicant has arraigned the Respondent no 5 as the legal heir of Respondent No.8 and nowhere stated in the cause title that there are other legal heirs of Respondent no 5. Now the Applicant cannot take a contrary stand denying the said fact.



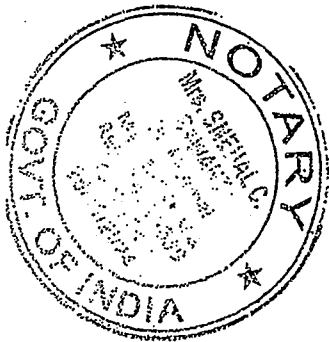
31. With reference to paragraph 29 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.21 in his Affidavit in Reply is true and correct. In the said

paragraph, the question of law has been raised and will be argued as and when called upon and no comments are required at this juncture. It is denied by the answering Respondent that after realizing that no claims made on the shares for about three decades, the answering Respondent took steps to recover the share and accruals from IEPF and further it is also denied that he had sold the said shares for the purpose of permanently usurp the attached property. Already mentioned above, that the Applicant has not produced any orders from any Court that the said shares are the attached property.

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and subsequently, in the present paragraph in Rejoinder, she is stating that this Hon'ble Court will adjudicate the said issue. The contrary stand has been taken by the Applicant and out rightly, has to be rejected. The Respondent No.5 is never impeding administration of justice as stated by the Applicant. On the contrary, he was the owner of the said shares and after the same being transferred in the name of answering Respondent by following due process of law, it was standing his own name and he had right to sell the said shares in the open market.

35. With reference to paragraph 33 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.25 in his Affidavit in Reply is true and correct.
36. With reference to paragraph 34 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.26 in his Affidavit in Reply is true and correct. The Respondent No.5 has adduced ample evidence to show that he had a right, title and interest in the subject shares and accruals thereof. In the present paragraphs under reply, the Applicant has admitted that the shares were registered in his name. On this count alone she cannot challenge that the Applicant is not the owner of the said shares.
37. With reference to paragraph 35 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.27

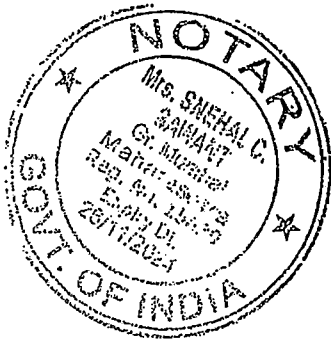




that such transaction would be a Benami transaction. This is a wrong notion of law and the Applicant has not produced any evidence to show that Shree Harshad Mehta had given an amount to purchase the shares to the Respondent No.8. The Respondent No.5 has never shifted any onus and obligation to this Hon'ble Court as wrongfully mentioned by the Applicant. Enough proof has been mentioned by the Respondent No.5 in his Affidavit in Reply to the main application by producing documents. The Respondent No.5 has proved his case that he was the owner of the 10,000 shares of the Respondent No.2.

42. With reference to paragraph 40 of the said Rejoinder, the case put up by the Applicant that the adverse inference has to be drawn against the Respondent No.5 as mentioned by her is not at all justifiable. In the said paragraph, the question of law has been raised and will be argued as and when called upon and no comments are required at this juncture. The explanation of belatedly the shares being transferred in his name is already given and therefore the said need not be repeated herein.

43. With reference to paragraph 41 of the said Rejoinder, whatever documents the Respondent No.3 relied upon are necessary proof to show that he was the owner of the said shares.



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44. With reference to paragraph 42 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph nos.36 to 40 in his Affidavit in Reply is true and correct.
45. With reference to paragraph 43 of the said Rejoinder, whatever the Respondent No.5 has stated in paragraph no.41 in his Affidavit in Reply is true and correct. Further, explanation has already been given by the Respondent No.5 in transferring the said shares in his name belatedly. It is denied that the Respondent No.5 has ever suppressed any correspondence or documents from this Hon'ble Court.
46. With reference to paragraph 44 of the said Rejoinder, it is denied by the Respondent No.5 that he is taking contrary stand as mentioned by the Applicant in her Rejoinder. No contradictory or inconsistency stand has been taken by the Respondent No.5 in his Affidavit in Reply. The Respondent No.5 hereby states that the Respondent No.8 had expired on 20<sup>th</sup> July 2016 and the Respondent No.9 had expired on 8<sup>th</sup> May 2021. The said shares were purchased by the Respondent No.8 in the name of answering Respondent, as mentioned above and therefore, there is no need to mention whether the Respondent Nos.8 and 9 died testate or intestate. Rest of the explanation has been given by the Respondent No.5 in the above paragraph and need not repeated herein. It is denied that there are obviously several legal heirs of Respondent No.8 and therefore it was absolute necessary for Respondent

Q



47. With reference to paragraph 45 of the said Rejoinder, no relief can be granted to the Applicant, as against the answering Respondent.
48. With reference to paragraph 46 of the said Rejoinder, no comments offered on the same.
49. It is therefore prayed on behalf of the Respondent No.5 that the Applicant is not entitled to any of the reliefs as sought for in the Miscellaneous Application and therefore, pray that the Miscellaneous Application be dismissed in limine with costs.



  
Respondent No.5

981

**VERIFICATION**

I, **Nirav D. Jobalia**, Age 44 years, Hindu, Indian Inhabitant, having address at D-404, Annapurna Complex, Kasak, Bharuch 392 001, do hereby declare that what is stated in the foregoing paragraphs of the Affidavit are true to my own knowledge.

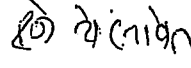
Solemnly affirmed at Mumbai )

Dated 18<sup>th</sup> day of January 2024 )



Before me,

**BEFORE ME**

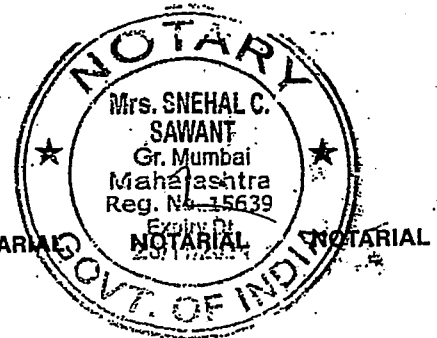
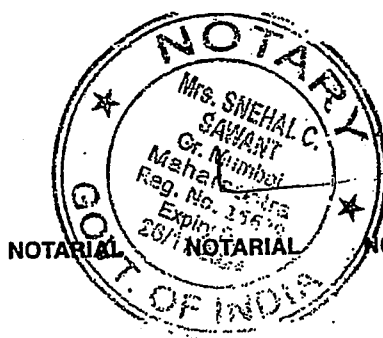
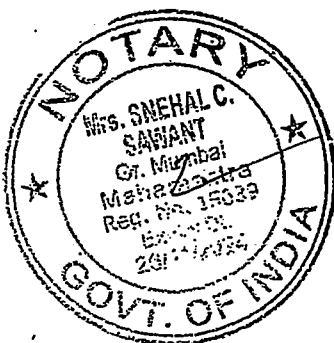


  
Advocate for Respondent No.5

Mrs. SNEHAL C. SAWANT  
B.Com. L.L.B.  
NOTARY GOVT. OF INDIA  
Regd. No. 15639  
101, Visaria Chambers, 1st Floor,  
74, Janmabhoomi, Fort, Mumbai-1.

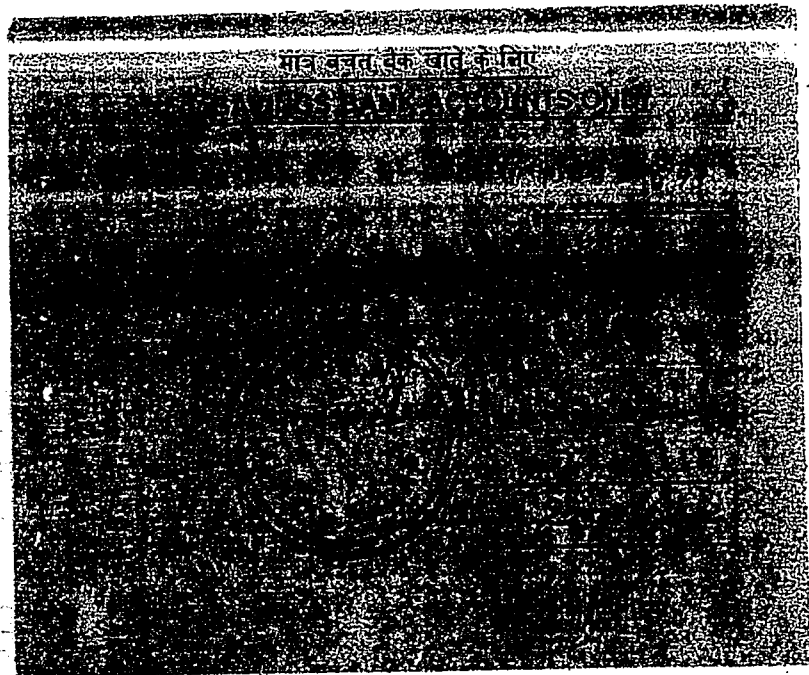
Noted & Registered  
Reg. No. 35  
Page No. 81/671  
Date 18 JAN 2024

ORIG. PAN CARD / AADHAR CARD / DRIVING LICENCE  
VOTERS ID No. 5851 7117 9113 SEEN & RETURNED





CHÈQUES		
DATE	LIBELLÉ	MONTANT
12/01/2023	CHÈQUE N° 1234	150,00
15/01/2023	CHÈQUE N° 1235	200,00
18/01/2023	CHÈQUE N° 1236	100,00
22/01/2023	CHÈQUE N° 1237	180,00
25/01/2023	CHÈQUE N° 1238	120,00
28/01/2023	CHÈQUE N° 1239	160,00
31/01/2023	CHÈQUE N° 1240	140,00
03/02/2023	CHÈQUE N° 1241	110,00
06/02/2023	CHÈQUE N° 1242	130,00
09/02/2023	CHÈQUE N° 1243	170,00
12/02/2023	CHÈQUE N° 1244	190,00
15/02/2023	CHÈQUE N° 1245	150,00
18/02/2023	CHÈQUE N° 1246	120,00
21/02/2023	CHÈQUE N° 1247	140,00
24/02/2023	CHÈQUE N° 1248	160,00
27/02/2023	CHÈQUE N° 1249	180,00
01/03/2023	CHÈQUE N° 1250	200,00



केनरा बैंक CANARA BANK

NF 131/25L (100) 9310/SJPP

वृत्त बैंक खाता सं. S.B. Account No. *7788* दिनांक Date *9-11-95*

पाई इनो द क्रेडिट ऑफ *JSBALI A*

रुपये/Ruppes *Two thousand four hundred and sixty six only*

चेक/नकद द्वारा जमा किया गया By Cash/Cheque

रु./Rs. *2466*

सराफ/ Shroff लिपिक/प्र्यवेक्षक Clerk/Supervisor

चेक नं./Cheque No.	बनाकर्ता बँक और शाखा/Drawee Bank and Branch	रकम/Amount
136972	Central Bank	245000
136973	Central Bank	406300
136974	Central Bank	100000
136975	Central Bank	100000
136976	Central Bank	100000
136977	Central Bank	100000
136978	Central Bank	100000
136979	Central Bank	100000
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137072	Central Bank	100000
137073	Central Bank	100000
137074	Central Bank	100000
1370		

# केनरा बैंक CANARA BANK

NFT 31/25L (100) 9310/SJPP	बचत बैंक खाता सं. S.B. Account No.	4784	दिनांक Date	14-11-95
	भुगतान करने वाले का नाम Paid into the credit of	D. J. G. Khan		
	रुपये/Pais	Three hundred		
		and five paise		
	चेक/नकद भुगतान किया गया By Cash/Cheque	By Cash		
	<div style="border: 1px solid black; padding: 5px; display: inline-block;">             ₹ 351 = 00           </div>			
सह/ Shroff	लिपिक/पर्यवेक्षक Clerk/Supervisor			

चेक/आदि के विवरण/PARTICULARS OF CHEQUE, ETC.

चेक नं. Cheque No.	अदाकर्ता बैंक और शाखा Drawee Bank and Branch	रकम/Amount ₹/Rs. P.
352633	Cum gratia Bank	357/-
	Do. to m. 13.1936	
	W m. 40627	
	H. H. M. R.	
	superintendent	
	कम/Total	357/-

केनरा बैंक CANARA BANK

वचत बैंक खाता सं. 7757 दिनांक 19-11-96  
S.B. Account No. 7757  
Paid into the account of श्री. रा. उ. डी. जोषी  
रुपय/Rupees Four hundred only  
बैंक/नकद द्वारा किया गया By Cash/Cheque  
र/एस. श्रोफ़ R/S. Shroff

NF-131/25L (10) 9510 Janki

सह/श्रोफ़ लिपिक/पर्यवेक्षक/Clerk/Supervisor

चेक आदि के विवरण  
PARTICULARS OF CHEQUE ETC.

चेक सं. / चेक नं. Cheque No.	अदाकारी, बैंक और शाखा Drawee Bank and Branch	राशि Amount ₹/Rs. & P.
12857	Camera Bank	400.00
13197		
39482		
M. H. M. Ltd		
	कुल/Total	400.00



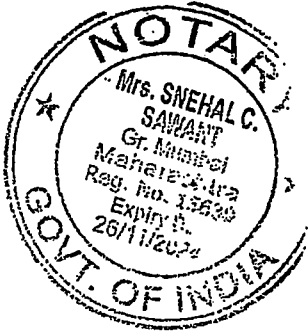
BEFORE THE SPECIAL COURT (TRIAL  
OF OFFENCES RELATING TO  
TRANSACTIONS IN SECURITIES) ACT,  
1992

MISC. APPLICATION NO.10 OF 2023

Smt. Jyoti H. Mehta .. Applicant

Versus

The Custodian & Ors. .. Respondents



**AFFIDAVIT IN SUR-REJOINDER ON  
BEHALF OF RESPONDENT NO.5,  
NIRAV D. JOBALIA:**

Dated this 18<sup>th</sup> day of January 2024

**Jehangir Khajotia**  
Advocate for the Respondent No.5  
Radha Bhavan, 3<sup>rd</sup> Floor,  
M.G. Road, Fort,  
Mumbai – 400 023