

“Smt Jyoti Mehta filed an Affidavit to oppose the claim of SBI on HSM filed through MP 63 of 1992 and made offer for a negotiated settlement to fulfill the wishes of HSM and minimize litigation. On “Without Prejudice” basis she offered to pay the final amount which is arrived at after reconciliation and subject to his counter claims and receivables and SBI withdrawing the claim of damages filed through MP 14 of 1995. It was clarified but there was no admission of any liability to pay. This Affidavit was suppressed by SBI before obtaining the decree and disclosed in the year 2009 in proceedings in MP 8 of 2009 filed by Smt Jyoti Mehta.”

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

MISC. PETITION NO.63 OF 1992.

State Bank of India ... Petitioners

V/s

Harshad S. Mehta & Anr. ... Respondents

I, Jyoti Harshad Mehta, Indian Inhabitant, residing at Madhuli, Dr. Annie Besant Road, Worli, Mumbai – 400 018, do hereby solemnly state as under:

1. I am wife of Late Shri Harshad S. Mehta who was the first Respondent in the above petition. Since the demise of my husband and in my capacity of the legal heir, I have now been joined as party Respondent to the above petition along with my son Shri Aatur Harshad Mehta and my mother-in-law, Smt. Rasila Shantilal Mehta. My late husband died testate and under his will, he has made me the sole beneficiary of his estate. My son and my mother-in-law have not laid any claim to the estate of my late husband and I understand that in the present proceedings also they are filing application for de-suiting them. I state that thus I am solely and exclusively concerned with the estate of my late husband. As such and in that capacity, I am making this affidavit.
2. I am desirous of fulfilling the wishes of my late husband, who during the time that he was alive, made several efforts to arrive at a settlement with his legitimate creditors but unfortunately, his efforts did not bear fruit. I also wish to minimize litigation if a negotiated settlement with the creditors of my late husband could be arrived at and towards this end an offer of repayment is made through this affidavit and on the following terms.
3. Repayment to the legitimate creditors on a without prejudice basis is offered without giving up my legal rights of contesting the claims on merits in the present petition and certain other inter connected legal proceedings whose particulars are narrated herein after.
4. Payment of the final amount from the estate of my late husband can be made as is arrived at after reconciliation of the amounts claimed with those actually received by my late husband and taking into account his claims and receivables as narrated below.

5. Payment would be of only the principal amount without any interest thereon as and by way of full and final settlement of the amount as arrived at finally.
6. All amounts receivable by my late husband from the petitioner or Respondent No. 2 as the case may be should be adjusted before arriving at the final figure of repayment.
7. To facilitate the task of determining the final amount and for the purposes of reconciliation, the Petitioner should make available complete details of amounts debited and credited, together with supporting vouchers and documents, in respect of the current account maintained by my late husband with the petitioner. Petitioner should also disclose and hand over each and every asset held by them belonging to my late husband or which has come in their possession arising out of the operations of the bank account maintained with the petitioner.
8. I state that the Petitioner should withdraw Miscellaneous Petition No. 14 of 1995 in view of the fact that all the monies and securities owed by my late husband stands fully repaid / delivered to the Petitioner and in fact, there was a surplus payable by the Petitioner to my late husband for which a due credit may be given before the final repayable amount is determined.
9. I pray that this Hon'ble Court may be pleased to take this affidavit as a common affidavit for the present proceedings as well as in Special Suit no. 35 of 1995.
10. I state and clarify that this affidavit may not be construed as any admission on my part of any liability or otherwise. I say that by filing this affidavit I am in no way whatsoever undertaking or admitting civil and/or criminal liabilities personally or on my personal assets.
11. I pray to this Hon'ble Court to direct all parties concerned to arrive at a negotiated settlement so that protracted litigation is avoided and the objects for which this Hon'ble Court is set up is met.

VERIFICATION

I, Jyoti Harshad Mehta of Mumbai, Indian inhabitant, do solemnly declare that whatever stated in this Petition is true to my knowledge and belief.

Solemnly affirmed at Mumbai
this 2nd day of May 2002.

Jyoti Mehta
Applicant

Jyoti Mehta
Applicant in Person
2/5/2002

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Affidavit
P E T I T I O N

Applicant in Person