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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COURT RECEIVER'S REPORT NO. 36 OF 2015

IN

ARBITRATION PETITION NO.263 OF 2003

Rajesh M. Khandawala ... Petitioner
Vs.
Vithal Restaurant & Ors. ... Respondents
.....

Mr. S.P. Nanavati, for the Petitioner.

Mr. K.C. Nichani, for Respondent No.2.

Mr. K.K. Trivedi, 1st Assistant to the Court Receiver.

....

CORAM : S.C. GUPTE, J.

DATED : 21 APRIL, 2015

P.C. :

. The Court Receiver's Report seeks directions against the agent of the Court Receiver appointed in the matter for deposit of arrears of royalty. A perusal of the statement of arrears annexed to the report indicates that penalty is claimed on delayed payments since 21 July 2003.

2. Learned Counsel for the agent has produced with its affidavit-in-reply to the report an order passed by this Court in the matter on 9 September 2009 indicating therein that as far as arrears of royalty are concerned, there was no basis for levying penalty at the rate

of 10% on non-payment/delayed payments. Obviously this order does not appear to have been taken into account when present Court Receiver's Report is prepared.

3. The present report of the Receiver is disposed of and the Receiver is directed to present a new Court Receiver's Report after taking into account the order passed by this Court on 9 September 2009. The Court Receiver's Report is disposed of in the above terms.

(S.C. GUPTE, J.)