

S.1506/2007(908)

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COURT RECEIVER'S REPORT NO. 165 OF 2015
IN
SUIT NO. 1506 OF 2007
ALONG WITH
CHAMBER SUMMONS NO. 143 OF 2013
IN
SUIT NO. 1506 OF 2007**

State Bank of Hyderabad ...Plaintiff

Vs.

State of Maharashtra & Ors. ...Defendants

Ms. Aarti Kulkarni i/b. Bhawe & Co., for the Plaintiff

Mr. P.G. Lad, AGP

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

CORAM : MRS. ROSHAN DALVI, J.

DATED : 23RD APRIL, 2015

PC. :

1. The plaintiff bank is the agent of the Court Receiver. The plaintiff bank is in possession. The plaintiff bank has to make payment of royalty. The royalty has to be determined upon the area of the premises. The area of the premises stated by the plaintiff bank itself in the plaint was 375.37 sq. mtrs.
2. The license amount by a licensor in occupation would have to be determined upon such area.

3. It is the contention of the defendant State that Rs.3.44 lakhs would be the premium amount payable. Mr. Lad would argue that even at the reasonable rate of 10% the premium amount would be Rs.34 lakhs p.a and consequently approximately Rs.3.5 lakhs per month.
4. Certain disputes were raised with regard to the area before the Court Receiver. Certain measurements have been got done. The plaintiff bank agrees to pay Rs.3.65 lakhs p.m as royalty. This amount would, therefore, be the reasonable amount payable p.m upon the premium amount calculated as per the area stated by the defendant State.
5. Consequently the plaintiff bank shall pay royalty of Rs.3.65 lakhs as from the date of the appointment of the Court Receiver.
6. The plaintiff bank shall also to pay the difference, if any, in the royalty payable and already paid before for the period of time that the plaintiff has been in possession of the suit premises and was appointed agent of the Court Receiver. The plaintiff bank shall pay up all the arrears of royalty until 31st May, 2015 by 31st May, 2015.

7. The plaintiff shall further pay the costs of this report fixed at Rs.3000/-.
8. The chamber summons and court receiver's report are disposed off accordingly.

(ROSHAN DALVI, J.)