

vai

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

COURT RECEIVER'S REPORT NO.539 OF 2015
IN
ARBITRATION PETITION NO.301 OF 2015

WITH
CHAMBER SUMMONS (LODGING) NO.1378 OF 2015
IN
ARBITRATION PETITION NO.301 OF 2015

Bajaj Finance Limited	...Petitioner
V/s.	
Delta Infra Limited & Anr.	...Respondents

Mr.Nikhil Mehta i/b KMC Legal Venture for the Petitioner.

Mr.N.A. Bandodkar, 2nd Assistant to the Court Receiver present.

CORAM : R.D. DHANUKA, J.
DATE : 19TH AUGUST, 2015.

P.C. :-

1. The Court Receiver as well as the petitioner have applied for discharge of the Court Receiver. It is not in dispute that the petitioner has not applied for enforcement of the order dated 11th March, 2015, passed by this Court till date. On 4th August, 2015, the petitioner has filed the above chamber summons, *inter-alia* praying for discharge of the Court Receiver. A copy of the said chamber summons has been served upon the office of the Court Receiver on 14th August, 2015.

2. In the meantime, the office of the Court Receiver has filed a report on 10th August, 2015 *inter-alia* praying for his discharge in view of non-lodgment of the order passed in the petition and also prayed for payment of the initial costs, charges and expenses and costs of Rs.3000/-.

3. Mr.Mehta, learned counsel for the petitioner states that since the petitioner has already applied for discharge of the Court Receiver, costs of Rs.3000/- on filing the report, shall not be directed to be paid by the petitioner.

4. Since the petitioner did not apply for enforcement of the order dated 11th March, 2015 till date, the Court Receiver was required to file the report for seeking discharge of the Court Receiver on 10th August, 2015. The chamber summons taken out by the applicant has been served upon the office of the Court Receiver on 14th August, 2015. The petitioner thereafter applied for circulation of the chamber summons to be heard along with this Court Receiver's Report, which is also on board. I am thus not inclined to accept the submission of learned counsel for the petitioner that the costs of Rs.3000/- shall not be directed to be paid by the petitioner. The chamber summons as well as the Court Receiver's Report are disposed of by the following order :-

a). The Court Receiver, High Court, Bombay stands

discharged on payment of costs, charges and expenses as may be payable according to the Bombay High Court (Original Side) Rules. Such charges shall be communicated by the office of the Court Receiver to the petitioner's advocate at the earliest. The petitioner states that such charges to the office of the Court Receiver would be paid within two weeks from the date of communication along with the costs of Rs.3000/- simultaneously. The statement is accepted.

(R.D. DHANUKA, J.)