

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO. 570 OF 2015
IN
ARBITRATION PETITION NO. 762 OF 2012
ALONGWITH
CHAMBER SUMMONS (L) NO. 1665 OF 2015

Citicorp Finance (India) Ltd.

..... Petitioner

VERSUS

M/s.Peacock Media Ltd. & Anr.

..... Respondents

Mr.E.A.Sasi for the Applicant in Chamber Summons (L) No.1665 of 2015.

Mr.Sandesh Godse, i/b. Mr. Vivek Patil for the Petitioner.

Mr.S.S.Deshpande, Court Receiver present.

No records and proceedings of Chamber Summons (L) No.1665 of 2015.

CORAM : R.D. DHANUKA, J.

DATED : 23rd SEPTEMBER, 2015

P.C.

Chamber summons is not on board and is taken on board.

2. The learned Court Receiver has brought to my notice that though this court had passed an order on 22nd August, 2013 directing the Court Receiver to sell the suit equipment in the event of the respondents not being ready and willing to act as an agent of the Court Receiver, the petitioner did not take any steps for sale of the suit equipment and various other steps as required.

3. Learned counsel appearing for the petitioner states that by a separate notice issued by the Assistant Commissioner of Sales Tax (INV-24) Investigation – B, Mumbai, the entire property of the respondent no.1 and its directors are attached. He submits that in view of the said notice issued by the Assistant Commissioner of

Sales Tax, the petitioner would not be able to take any steps to sell the said equipment. Statement is accepted.

4. Mrs.Mohita Pramod Churiwala who claims to be landlady in whose premises the equipments are lying has filed Chamber Summons bearing (L) No.1665 of 2015 inter alia seeking intervention in the Court Receiver's Report and praying for order and direction against the Court Receiver to recover a sum of Rs.21 lacs from the petitioner herein and/or the respondents and to pay the said sum to the applicant. I have heard the learned counsel for the applicant, the petitioner and the learned Court Receiver.

5. Since the petitioner is not in a condition to take any further steps for sale of the equipment in question, the learned counsel for the petitioner has no objection if the Court Receiver is discharged. Statement is accepted. The petitioner is however ready to pay the expenses, fees and charges of the Court Receiver as may be communicated within two weeks from the date of such communication.

6. I, therefore, pass the following order :-

(a) Court Receiver, High Court, Bombay is discharged without drawing any amount however on payment of costs, expenses and charges of the Court Receiver. The Court Receiver shall communicate the charges payable by the petitioner within two weeks from today. The petitioner shall pay such charges within two weeks from the date of such communication of such charges by the office of the Court Receiver.

(b) Insofar as reliefs claimed in the chamber summons are

concerned, it is for the applicant to adopt appropriate proceedings for recovery of the licence fees or any other reliefs as she proposes to make against the petitioner or the respondents. No such relief can be granted in this chamber summons.

(c) Cost of Court Receiver's Report of Rs.3,000/- shall be paid by the original petitioner within two weeks from today.

(d) The Court Receiver's Report as well as chamber summons are disposed of in the aforesaid terms.

[R.D. DHANUKA, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed order.