

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

**NOTICE OF MOTION NO. 3239 OF 2006
WITH
CRE NO. 2717 OF 2006
WITH
NOTICE OF MOTION NO. 366 OF 2008
WITH
COURT RECEIVER'S REPORT NO. 205 OF 2013
IN
SUIT NO. 2717 OF 2006**

Indian Oil Corporation Ltd. .. Plaintiff
Vs.
Chunilal Gupta & Sons & Ors. .. Defendants
**WITH
SUIT NO. 1445 OF 2006**

Surendra Kumar C. Gupta & Ors. .. Plaintiffs
Vs.
Smt. Shehalata Prabhakar Datar & Ors. .. Defendants

Mr.Chirag Mody a/w Mr.Rishikesh Soni i/b Ashok Purohit & Co. for plaintiff.

Ms.M.V. Thakkar i/b R.V. Thakkar for defendants.

**CORAM : K.R.SHRIRAM, J.
DATE : 21ST APRIL, 2016**

P.C.

COURT RECEIVER'S REPORT NO. 205 OF 2013

1 The plaintiffs have filed their reply to the Court Receiver's Report in which it is stated that the plaintiffs are governed by the directives issued by the Ministry of Petroleum and Natural Gas and the plaintiffs apprehend that

they may be regarded as acting in violation of the aforesaid directives and guidelines if the plaintiff complied with the orders of this Court. It is also stated that there is no intentional non-compliance of the order but the plaintiff is constrained in view of the peculiar situation which they find themselves in view of the government directives and guidelines.

2 In the circumstances, as the plaintiff has made it very clear that it cannot comply with the orders dated 15.11.2006, the Court Receiver is discharged without submitting of accounts. I am rather surprised how the plaintiff is stating that if the plaintiff comply with the orders of the Court, it will amount to violating the directives and guidelines directives issued by the Ministry of Petroleum and Natural Gas.

3 The plaintiff to also pay all costs, charges and expenses of the Receiver within four weeks of receiving an intimation from the Court Receiver about his charges and expenses.

It is also clarified that the status-quo as on date will be maintained until the disposal of the suit.

4 The Court Receiver's Report accordingly stands disposed.

NOTICE OF MOTION NO. 3239 OF 2006

5 In view of the above order, nothing survives in the notice of motion.
The notice of motion is disposed accordingly.

6 From 2006, the plaintiff has not complied with the orders of the Court for engaging an agent to run the Petrol pump. The petrol pump is not being used at all. Therefore, it will be in the interest of both the parties if the suit proceeds to trial forthwith.

7 The matter to be listed for settling of issues on 6th June 2016. Within two weeks from today, the plaintiff and the defendants in their respective suits, will file their respective affidavits of documents with details of the documents in the schedule and compilation of documents. Within one week thereafter they shall give inspection of their respective documents to the other side. Within one week of taking inspection, both the parties will file their respective statements of admission and denial with reasons for denial.

It is made clear that these directions have to be complied with strictly and meticulously, failing which the parties will be put to terms.

NOTICE OF MOTION NO. 366 OF 2008

9 The counsel for the plaintiff states that in view of the order passed above, the notice of motion will not survive.

10 The notice of motion accordingly disposed.

(K.R. SHRIRAM, J.)