

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 91 OF 2017
IN
ARBITRATION CASE NO. 1594 OF 2015**

Reliance Capital Ltd	...Petitioners
<i>Versus</i>	
Mariegold Infratech Pvt Ltd & Ors	...Respondents
<i>And</i>	
Yash Technologies Pvt Ltd	...Applicant

Mr Raghavendra Bajaj, *with Mr Sheelang Shah, i/b Mr Rushaba Seth, for the Applicant.*
Mrs Golatkar, *Section Officer, to the Court Receiver, present.*

CORAM: G.S. PATEL, J
DATED: 1st February 2017

PC:-

1. I will grant the Applicant a limited relief in regard to the signage placed by the Court Receiver. The Receiver has put his board on the Applicant's door and also on the reception. The Applicant has a license for use of certain commercial premises that are part of the Respondents' secured asset. The Applicant itself is not in breach. It is not the Applicant who is indebted to the Petitioner or its assignee. In fact the Applicant has made the necessary security deposit to its licensor and regularly pays

compensation. It also has five year lock in period. Undoubtedly, the positioning of the Receiver's board will cause some distress and inconvenience to entities like the Applicant who are caught in the cross fire between the Petitioner and the Respondent. I can understand the need for the Receiver to put a board outside the premises. This may be necessary to put third parties to notice so that there are no illicit transfers.

2. The Applicant will furnish to this Court a written undertaking of an authorised officer by Monday, 6th February 2017 agreeing that it will not part with possession of the premises without leave of the Court and will not create any third party rights, alienations, or encumbrances of any nature in these premises. On that undertaking being made and if accepted, I will grant the Applicant a limited relief in terms of prayer clause (a) directing the Court Receiver to completely remove all signage and boards from the interior of premises in question, office 701, 702 and part of 8th floor admeasuring 31,500 sq.ft at Tower XV, Cyber City, Magarpatta, Hadapsar Road, Pune 411 013 as also from the outer wall of these premises.

3. List the matter for compliance on Tuesday, 7th February 2017.

(G. S. PATEL, J.)