

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO. 15 OF 2017
IN
ARBITRATION PETITION NO.280 OF 2016**

Tata Capital Financial Services Ltd	...Petitioner
<i>Versus</i>	
Suken Jayantbhai Vadodariya & Ors	...Respondents

Mr Nilesh Gala, *i/b Law Square, for the Petitioner.*
Mrs Kavita Ambekar, *Ind Assistant to the Court Receiver, is present.*

CORAM: G.S. PATEL, J
DATED: 22nd February 2017

PC:-

1. The Court Receiver reports that only an authenticated copy of the order dated 21st April 2016 (SJ Kathawalla J) appointing the Court Receiver was lodged on 3rd May 2016 but no certified copy was ever lodged as required by Rule 596 of the Bombay High Court (OS) Rules.

596. Certified copy of the minutes of the decree order to be served on the Receiver. — In a suit or matter where a Receiver has been appointed, a **certified copy of the minutes of the decree or order containing provisions which directly or indirectly concern the Receiver** shall be served on the Receiver by the party on whose

application the decree or order is passed within one week from the date of such decree or order.

(Emphasis added)

2. Unless compliance with this Rule is dispensed with by a judicial order, a party who obtains an order of receivership is bound to comply. Failure to do so has immediate consequences.
3. The Rule gives one week to lodge a certified copy. Nearly a year has passed, and yet the Petitioner has not complied with the mandatory rule. It is not open to a petitioner in a proceeding under Section 9 of the Arbitration & Conciliation Act, 1996 to obtain urgent reliefs and then to be delinquent in compliance with rules.
4. The Court Receiver stands discharged and the Report is made absolute in terms of prayer clauses (a) and (b).

(G. S. PATEL, J.)