

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

**CHAMBER SUMMONS NO.798 OF 2017
AND
CHAMBER SUMMONS NO.851 OF 2017
IN
ARBITRATION PETITION NO.428 OF 2017**

L & T Finance Limited)....Applicant/Petitioner
V/s.
Cambata Aviation Pvt. Ltd. & Ors.)....Respondents

WITH

**CHAMBER SUMMONS (L) NO.177 OF 2017
IN
ARBITRATION PETITION NO.288 OF 2017**

L & T Finance Limited)....Applicant/Petitioner
V/s.
Cambata Aviation Pvt. Ltd. & Ors.)....Respondents

Ms.S.I.Joshi i/by S.I.Joshi & Co. for petitioner/applicant.
Mr.Kalpesh J.Nansi a/w Ms.Farhana Khan for respondent no.3.
Mr.A.L.Patki, Addl.Govt. Pleader for respondent nos.4 & 5 (State).
[Ms.V.S.Awsare-2nd Assistant Court Receiver a/w Shri Suryakant
Sadanand Toraskar-Section officer present.

**CORAM : K.R.SHRIRAM,J
DATE : 22.11.2017**

P.C.:-

CHAMBER SUMMONS NO.798 OF 2017

1 Heard Ms.Joshi for the applicant, Mr.Patki for respondent
nos.4 & 5 and Mr.Nansi for respondent no.3.

2 By consent, following order is passed :-

ORDER

- (a) The Court Receiver, High Court, Bombay so far as the suit equipments viz. (i) Commander 40I Sr.No.C40112029 and (ii) Machine Pallet Dollies-34 Qts.(Viking Trailers International FZCO) are concerned, is discharged without passing of accounts ;
- (b) Undertaking of petitioner to pay outstanding charges of the Court Receiver, if any, within a period of two weeks of receiving communication from the Court Receiver, is accepted ;
- (c) Petitioner is permitted to sell the equipments mentioned in prayer clause-(b) to the chamber summons by private treaty by calling the bids and sell it to the highest bidder ;
- (d) Petitioner shall give notice on each occasion, to respondent no.4 of the date and time when petitioner will open the bids only for Machine Pallet Dollies and respondent no.4 or his/her representative shall remain present on the date and time fixed. If respondent no.4 or his/her representative does not remain present on the date and time fixed, petitioner is at liberty to go ahead and dispose of all equipments including the pallet dollies ;
- (e) The sale proceeds received for 34 machines pallet dollies will be deposited by petitioner with Prothonotary & Senior Master, High Court, Bombay, within a period of one week of receiving the payments ;

(f) Prothonotary & Senior Master, High Court, Bombay, shall invest the same in a fixed deposit with a nationalized bank for a period of one year at the outset, to be renewed year after year unless otherwise ordered ;

(g) So far as sale proceeds of Commander 40I, petitioner may appropriate the same ;

(h) Once the sale proceeds are deposited with the Prothonotary & Senior Master, High Court, Bombay, petitioner and respondent no.4 are at liberty to apply for release of that money to them ;

(j) If respondent no.4 does not file an application and serve copy thereof upon petitioner within a period of 12 weeks of receiving communication from petitioner that amount has been deposited with Prothonotary & Senior Master, High Court, Bombay, petitioner is at liberty to apply to the Prothonotary & Senior Master, High Court, Bombay for foreclosing the fixed deposit and paying over the amount to petitioner.

3 Chamber summons accordingly, disposed.

CHAMBER SUMMONS NO.851 OF 2017

1 Mr.Patki AGP for respondent no.4(State) and Mr.Nancy for

respondent no.3 have no objection to the grant of reliefs as sought in this chamber summons. Other respondents though served, are not present. No reply has also been filed.

2 Ms.Joshi states that within one week from today they will file affidavit of service upon other respondents if not filed already.

3 For reasons mentioned in the affidavit in support, Chamber summons is allowed in terms of prayer clauses-(a) and (b).

4 The undertaking of Ms.Joshi on behalf of petitioner that they shall pay all outstanding charges of the Court Receiver within a period of 2 weeks from receiving communication from the Court Receiver, is accepted.

Chamber summons disposed accordingly.

CHAMBER SUMMONS (L) NO.177 OF 2017

1 Mr.Patki AGP for respondent no.4(State) and Mr.Nancy for respondent no.3 have no objection to the grant of relief as sought in this chamber summons. Other respondents though served, are not present. No reply has also been filed.

2 Ms.Joshi states that within one week from today they will file affidavit of service upon other respondents if not filed already.

3 For reasons mentioned in the affidavit in support, Chamber summons is allowed in terms of prayer clauses-(a) and (b).

4 The undertaking of Ms.Joshi on behalf of petitioner that they shall pay all outstanding charges of the Court Receiver within a period of 2 weeks from receiving communication from the Court Receiver, is accepted.

Chamber summons disposed accordingly.

5 Notwithstanding disposal of this Chamber summons, all office objections to be removed and chamber summons be numbered by the applicant within a period of two weeks from today.

(K.R.SHRIRAM,J)