

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

**APPEAL (L.) NO. 344 OF 2016  
IN  
CHAMBER SUMMONS NO. 1244 OF 2012  
IN  
ARBITRATION PETITION NO. 952 OF 2009  
WITH  
APPEAL (L.) NO. 403 OF 2016  
IN  
CHAMBER SUMMONS NO. 1244 OF 2012  
IN  
ARBITRATION PETITION NO. 952 OF 2009**

Hathway Internet Satellite Pvt. Ltd., & Anr. ... Appellants.

V/s.

1. Space Vision Cabletel Pvt. Ltd.,  
2. Court Receiver, High Court, Bombay ... Respondents.

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Mr. Mayur Khandeparkar a/w. Rajendra Jain i/by Thokare  
Jariwala & Associates of the Appellants.

Ms. Kavita Shah for the Respondent No.1.

Dr. M. S. Deshpande, Court Receiver, is present.

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**CORAM : NARESH H. PATIL AND  
SMT. BHARATI H. DANGRE, JJ.**

**DATE : 13<sup>th</sup> JULY, 2017**

**P.C. :**

1 The learned counsel appearing for the Appellants and  
Respondent tender "Minutes Of The Order" signed by them.

The said Minutes of the Order are taken on record and marked as “X” for identification.

2 Both the learned counsel for the parties submit that in view of the Consent Terms submitted by the parties on 05.05.2017, including the Minutes of the Order presented today marked “X”, both the Appeals be disposed of.

3 The said Minutes of the Order reads as under :

“ By consent of both the parties following order is passed :

- 1) Order dated 2<sup>nd</sup> December, 2011 passed by the Learned Court Receiver is set aside;
- 2) It is clarified that having regard to Learned Court Receiver being discharged in terms of Order and Consent Terms dated 5<sup>th</sup> May, 2017, the Appellants are not required to make any further payments to Learned Court Receiver;
- 3) The Court Receiver shall after deducting its cost, charges and expenses which is quantified at Rs. 2,44,196/- refund the remaining amount of Rs. 13,44,401/- to Appellant No.1;
- 4) Having regards to aforesaid the Appellants withdraw their Appeals;
- 5) There shall be no order as to costs.

Bombay, dated the 13<sup>th</sup> day of July, 2017.”

4           The Court Receiver is present. He informs that the cost, charges and the expenses of the Court Receiver are quantified at Rs. 2,44,196/- . The learned counsel for the Appellants submits that the Court Receiver is entitled to cost, charges, expenses and commission. The counsel for the Appellant further submits that the Court Receiver is entitled to deduct the said amount of costs and refund the remaining amount to the Appellants. The counsel agrees that if any objection in respect of deficit court fee is raised, the Appellants would pay court fees in accordance with the Rules.

5           Both the Appeals are disposed of in terms of the Minutes of the Order and the statements made by the learned counsel before this court today.   Order accordingly.

(SMT. BHARATI H. DANGRE,J.)

(NARESH H. PATIL,J.)

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