

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 706 OF 2019

CITY AND INDUSTRIAL DEVELOPMENT
CORP. OF MAHARASHTRA LTD.,
(CIDCO), THR. AUT. SIGN., VISHNU
KAMBLE.,

... Petitioner

Versus

RASHMI CONSTRUCTIONS PVT. LTD.,

... Respondent

Mr. D. Lawande, Mr. Pradosh P. Dangui and Mr. R. Kakkar,
Advocates for the Petitioner.
Mr. A. D. Bhobe and Ms. Anne-lise Fernandes, Advocates for
the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 16th September, 2019

P.C.

Heard the learned Counsel for the parties.

2. Normally, this Court would be slow in interfering with the order of the nature which is challenged in this petition. By the impugned order dated 02.08.2019, the Executing Court had granted a week's time to the petitioners/Decree Holder instead of three weeks time as prayed to conduct, what the petitioners call a 'forensic audit'.

3. The learned Counsel for the petitioner has submitted that the petitioner intends to investigate as to whether the respondents

have transferred any property subsequent to the passing of the Decree which is sought to be executed and secondly whether there are any group companies against which the impugned Decree can be executed as also the particulars of the Directors who have resigned after the passing of the impugned Decree.

4. Mr. Bhobe, the learned Counsel for the respondent, has submitted that the impugned order is not one against which a petition under Article 227 of the Constitution of India can be entertained. He points out that even otherwise, the petitioner had already got more than three weeks time for carrying out any such investigation as prayed.

5. Mr. Lawande, the learned Counsel for the petitioner submitted that the petitioner is a public sector undertaking and is trying to execute a Decree which was passed in the year 2003 and the executing proceedings itself are of the year 2006.

6. Considering the over all circumstances and, in the interest of justice, I find that the petitioner can be granted a period of three weeks i.e. till 09.10.2019. The impugned order stands modified to that extent.

7. The petition is disposed off in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

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