

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.809 OF 2019
IN
APPEAL FROM ORDER NO.711 OF 2014**

Maharashtra State Road Development
Corporation Ltd.

... Applicant

IN THE MATTER OF

M/s. Deccan Retreat and M/s. Regent
Bhairavi Corporation through
Mr. Amit Shivaji Agivale and Mr. Ramdas
Kondiram Shende

... Appellants

Vs.

Maharashtra State Road Development
Corporation Ltd. & Anr.

... Respondents

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Dr. Milind Sathe, Senior Advocate with Shri Vinamra Kopriha and
Ms. Prachi Vasudeo I/b. Cyril Amarchand Mangaldas for the
Applicant.

Shri Ruchir Tolat I/b. L.C. Tolat & Co. for respondents-original
appellants.

Mrs. R.U. Karunakar, Section Officer.

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CORAM : M. S. KARNIK, J.

DATE : 31st JULY, 2019.

P. C.:

1. On 19.7.2019 order was passed directing the Court Receiver to take symbolic possession of the food track and the outlets therein. The matter is listed today for determining pro-rata amount of compensation payable towards user of the food track till the decision of the suits.

2. I have already directed the Trial Court to decide the pending suits within a period of nine months. In all fairness learned Senior Counsel Shri Sathe for Maharashtra State Road Development Corporation (hereinafter referred to as “MSRDC” for short) and Shri Tolat for M/s. Deccan have left it to this Court to determine the pro-rata amount of compensation. Accordingly, I had called for the report of the Court Receiver for a rough estimate about the rent the Food Track will fetch. After hearing and considering the submissions made by the learned counsel, in my opinion the compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs) + applicable G.S.T. per month appears reasonable to be paid by M/s. Deccan to MSRDC till the decision of the suits.

3. Liberty to the parties to apply.

4. In the peculiar facts of this case the Court Receiver need not affix any notice/board on the premises that the property is in possession of the Court Receiver.

5. Civil Application is disposed of.

(M. S. KARNIK, J.)