

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

**COURT RECEIVER'S REPORT NO.321 OF 2018
IN
ARBITRATION PETITION NO.1357 OF 2013
ALONG WITH
CHAMBER SUMMONS (L) NO.1561 OF 2018
IN
COURT RECEIVER'S REPORT NO.169 OF 2018
IN
ARBITRATION PETITION NO.1357 OF 2013**

Citicorp Finance (India) Ltd	...	Petitioner
Versus		
Ajyotiben Vasudev Joshi		
And Another	...	Respondents

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Ms. Shirin Shaikh I/b Vivek Patil & Associates for the Petitioner and the Applicant in Chamber Summons (L) NO.1561 of 2018.
Mr. S.K. Jain I/b S.K. Jain & Associates for Respondent No.3 in Chamber Summons (L) No.1561 of 2018.
Mr. D.N. Kher, OSD from Court Receiver's Office present.

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CORAM : S.C. GUPTE, J.

DATE : 14 JANUARY 2019

P. C. :

. The Court Receiver has filed the present report in the matter of sale of a vehicle, which forms the security of the Petitioner herein. Originally, the highest bidder had submitted an offer of Rs.4,10,000/- for purchase of the vehicle. The second highest offer was of Rs.4,05,000/-. This court, however, did not accept the highest bidder's offer since the highest bidder was the Applicant-Intervenor, who wanted to adjust the bid amount against

his repair charges in respect of the vehicle. The court directed the Receiver to sell the vehicle to the second highest bidder without prejudice to the rights and contentions of the Petitioner as well as the Applicant-Intervenor. It appears that the second highest bidder subsequently backed out and there was no bid before the court receiver. The Petitioner has now received two bids for purchase of this vehicle. The higher of the two bids is by one Rajesh Mishra, who has offered Rs.2,50,000/- for purchase of the vehicle, whereas the other bid is by one Chandani Kabra for a sum of Rs.1,75,000/-. The Petitioner has taken out the present chamber summons, praying for acceptance of the highest bid and conclusion of sale with the assistance of the court receiver.

2 The Applicant-Intervenor objects to the prayers made by the Petitioner in its chamber summons. Learned Counsel for the Applicant-Intervenor submits that he had originally taken out a chamber summons, being Chamber Summons No.468 of 2016, for payment of his repair charges in the sum of Rs.7,90,800/-. At the hearing of that chamber summons, the repairs claim was rounded off to Rs.4,25,000/- (from out of Rs.90,000/- as parking charges, the principal amount Rs.3,77,609/- and interest Rs.1,13,290/-). In view of the Applicant-Intervenor's claim on account of the repair charges, this court had earlier directed the court receiver not to disburse any fund without the order of the court. Subsequently, by an order dated 26 June 2018, this court held that the court would decide whether the Applicant-Intervenor could be granted relief in the court receiver's report on the arbitration petition or whether he would have to file independent proceedings against the Petitioner. Learned Counsel submits that this issue may be decided and relief may be

granted to the Applicant-Intervenor on the Receiver's report herein.

3 Whilst the decision on this may take some time, it is imperative that the sale should be completed expeditiously. The vehicle is lying in an unused condition for a long time. It is stored at a warehouse belonging to the Petitioner and its value is deteriorating progressively. On these facts, the offer of Rs.2,50,000/- received by the Petitioner deserves to be accepted. No useful purpose, in the facts of the case, would be served by simply holding up the sale or advertising the vehicle for public sale at this point of time and invite bids for such sale.

4 Learned Counsel for the Petitioner submits that she has instructions that the highest bid received by her client has been agreed to be kept open for a period of two weeks from today. The statement is accepted. The Applicant-Intervenor will be entitled to bring a higher offer, if he so chooses, within these two weeks. In case there is no higher offer brought by the Applicant-Intervenor, the court receiver may conclude the sale in favour of the highest bidder, whose bid is annexed at Page 52 (Exhibit "G") of the affidavit in support of the Petitioner's chamber summons.

5 The amount received for sale of the vehicle shall be deposited with the court receiver and held by him, subject to the orders of the court. In the meantime, the Applicant-Intervenor is permitted to take out such application, as he may be advised to, for claiming repair charges for the repairs carried out to the vehicle. The Receiver may respond to any such application or in the alternative, present a report for disbursal of the amount after taking into account the Applicant-Intervenor's application, if

any. Notice of any such application or report be given to the Petitioner herein.

6 The court receiver's costs, charges and expenses quantified at Rs.3,000/- shall be paid by the Petitioner within three weeks from today.

7 The chamber summons as well as the Court Receiver's Report are disposed of in the above terms.

(S.C. GUPTE, J.)