

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

COURT RECEIVER REPORT NO.41 OF 2020

IN

Chamber Summons (L) No.1188 of 2014
Receiver in Execution application No.902 of 2013
in
Arbitration Petition No.7 of 2011

AND

COURT RECEIVER REPORT NO.3 OF 2020(A Group)

IN

Execution Application no.902 of 2013

Mr.Vasant Jain.

...Applicant

vs.

Mr.Amin Noorali Rangara & Ors.

...Respondents/Judgment Debtors

...

Mr.Yugal Anjana Bhatia i/b . Pallavi Kulkarni, for Respondent nos.1 & 2.

Mr.D.N.Kher, Court Receiver Present.

CORAM : G.S. KULKARNI, J.

DATE : 18 February 2020

PC.:

1. In pursuance of the order dated 30 July 2014, the Court Receiver, High Court, Bombay was appointed as Receiver in respect of the six properties, details of which are set out in paragraph 4 of the Court Receiver Report no.41 of 2020 (Additional Report). It is stated that in regard to the four properties, an Agency agreement is already executed today namely in respect of Flat nos.13-14 situated at Bandra (W), Mumbai-400050, and Unit No.35 and Unit no.102 at Wadala Truck Terminal, Mumbai-400037. However, in regard to flat nos.301 and 302, Vastu CHS Ltd., B.J.Road, Bandra (W), Mumbai-400050, it is stated that SICOM has taken physical possession of the said flats in execution of the order passed under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short "SARFAESI Act"), and therefore, the Court Receiver could not proceed in respect of these two flats. It will be now appropriate for the applicant to take further steps.

2. In the above circumstances, the Court Receiver Report no.3 of 2020 and Court Receiver Report no.41 of 2020 are disposed of in the above terms, however, subject to costs of both the reports quantified at Rs.3000/- to be paid by the applicant.

3. In view of the above circumstances, the bailable warrant which is issued by an order dated 14 January 2020 are required to be cancelled. The same accordingly stand cancelled.

Parties to act on the authenticated copy of this order.

Digitally
signed by
Prashant V. Rane
Prashant V. Rane
Date:
2020.02.22
15:00:42
+0530

[G.S. KULKARNI, J.]