

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COURT RECEIVER'S REPORT NO.48 OF 2020

**Court Receiver Report NO. 48 OF 2020/Group D
IN
COMMERCIAL EXECUTION APPLICATION (L)NO. 578 OF 2019**

Strategic Port Investments KPC Ltd. ...Petitioner

Versus

Krishnapatnam Port Company Ltd. And Ors. ...Respondents

Ms.Ankita Singhania with Chhavi Jain, Prakshal Jain i/b. Trilegal, for the
Petitioner.Mr.Nitesh Jain with Atul Jain, Ms.Meherzeen Avasia i/b. Shardul Amarchand
Mangaldas & Co., for Respondent no.1.

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

Ms.Shoma Mitra i/b. Wadia Ghandy, for MIAL.

CORAM : G.S. KULKARNI, J.**DATE : 3 MARCH 2020****PC.:**

1. The following are the prayers as made in the present Court Receiver's report:-

- "a) What steps should Court Receiver take in respect of charges demanded by GVK.
- b) What steps should Court Receiver take in respect of request of GVK to remove the aircraft from Chhatrapati Shivaji Maharaj International Airport, Santacruz (East), Mumbai.
- c) Cost of this report may please be awarded in the sum of Rs.3000/- (Rupees Three thousand only) and same may be allowed to be debited from amount lying in the suit account."

2. Learned Counsel for the GVK informs that an amount of about Rs.3 crores as on date is payable to GVK as parking charges for the aircraft in

question. In regard to removal of the aircraft, learned Counsel for the judgment debtors states that his client would not have any objection to remove the aircraft, however, subject to some maintenance which would require about seven to ten days to make the aircraft airworthy.

3. Learned Counsel for the judgment debtors states that his clients are unable to make payment of the parking charges to the GVK. Learned Counsel for the applicant/award holder is also unable to make any statement as to whether her client would be in a position to pay the charges as demanded by GVK.

4. Learned Counsel for the judgment debtors states that in fact the parties are already before the Delhi High Court in O.M.P. (Comm) 380/2018 and I.A.No.12036/2018, wherein learned Single Judge of the Delhi High Court (Rekha Palli, J.) has passed an order on 19 February 2020 recording that the parties are trying to finalise a possible settlement and accordingly the proceedings before the Delhi High Court were adjourned to 28 April 2020. Learned Counsel for the applicant/award holder would also submit that in the circumstances it would be appropriate that the execution application itself is taken up for hearing. She has no instructions as regards the settlement discussed between the parties.

5. In the above circumstances and in view of the stand taken by the parties, it may not be possible for this Court to issue any immediate directions with regard to payment to be made to GVK. It would be appropriate that in the event endeavour of the parties to arrive at a settlement fails, then the parties are heard on appropriate orders to be passed on this execution application which would involve realizing amounts from the assets of the judgment debtors. It would be open to GVK to inform the Court at that stage, the amounts which would be due and payable in regard to the aircraft in question.

6. Court Receiver's report is accordingly disposed of in the above terms.
7. Liberty to the parties to apply if settlement does not materialise including in regard to prayer clause (b). The charges of this Report of the Court Receiver quantified at Rs.3000/- be paid by the applicant and/or are permitted to be appropriated from the amounts which are in deposit.

Digitally
signed by
Prashant
V. Rane
Date:
2020.03.07
10:30:37
+0530

[G.S. KULKARNI, J.]