

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM ARBITRATION PETITION NO. 33 OF 2021
WITH
COURT RECEIVER'S REPORT NO. 50 OF 2021
IN
COMM ARBITRATION PETITION NO. 33 OF 2021**

Lakme Lever Pvt Ltd

...Petitioner

Versus

Annapurna Enterprises & Anr

...Respondent

Mr Sandesh Shukla, *with Mihir Mody & Karan Dhawan, i/b K Ashar & Co, for the Petitioner.*

Mr Ayan Roy, *Representative of the Petitioner, present.*

Mr Binod Singh, *for the Respondent.*

CORAM: G.S. PATEL, J
(Through Video Conferencing)

DATED: 30th June 2021

PC:-

1. Heard through video conferencing.

2. Mr Shukla seeks that the Arbitration Petition may be disposed of in the following manner. This will completely satisfy the Petitioner's claim, obviating an arbitration.

3. Mr Shukla has specific instructions to state that his clients do not intend to press their claims in damages or liquidated damages against the Respondent. The statement is noted and accepted as an undertaking to the Court.

4. Mr Shukla states that given that the Respondent was a franchisee, the goods seized and sealed by the Court Receiver are the Petitioner's own goods. The Petitioner proposes to use those goods and therefore the direction to the Court Receiver should be to hand over possession of the sealed goods to the Petitioner.

5. Mr Binod Singh, learned Advocate appearing on behalf of the Respondents, undertakes to file his vakalatnama within two weeks from today. He says that the Respondents have no objection to this course of action, particularly since the Petitioner is not pressing the claim for damages or liquidated damages against the Respondents.

6. Accordingly, the Petition is disposed of with a direction to the Court Receiver to hand over and deliver physical possession of the seized and sealed goods to a duly authorized representative of the Petitioners, with notice to Mr Singh. An inventory will be prepared which the Court Receiver will retain on record. This inventory is to be countersigned by both the Court Receiver and the Plaintiff. The inventory is to be prepared by the representative of the Petitioner

and forwarded to the Court Receiver. A representative of the Court Receiver is not required to be personally present at the time of inventory. A representative of the Respondent or one of Mr Singh's juniors is entitled to remain present at the time when this inventory is taken.

7. Upon delivery of possession, the Court Receiver is to stand discharged without passing accounts, but on payment of his costs, charges and expenses to be paid by the Petitioner within two weeks from today.

8. The Petition is disposed of in these terms. There will be no order as to costs.

9. The Court Receiver's Report is also disposed of in these terms.

10. All concerned will act on production of an ordinary copy of this order.

(G. S. PATEL, J)