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

**COURT RECEIVER REPORT NO. 273 OF 2021
IN
COMEX APPLICATION NO. 1022 OF 2018**

ADVANCE COMMERCIAL CO. LTD.	...APPLICANT
VS.	
PRAVIN JAIN	...RESPONDENT

Ms. Mamta Sadh i/b. Abhishek Bhaduri for applicant.

Mr. Karl Tamboly, counsel a/w. Ms. Kausar Banatwala a/w. Gauri Sakhardande i/b. Tushar Goradia for respondent in Execution Application.

Mrs. Kanchan Rane, 1st Asstt. to Court Receiver, present.

Ms. Yamuna Parekh a/w. Pooja Yadav for MCGM.

CORAM : M.S.KARNIK, J.

**DATE : MAY 25, 2021
(VIA V.C.)**

P.C.:-

Heard learned counsel Mr. Tamboly appearing for the respondent - landlord in the Execution Application and learned counsel Ms. Sadh for the petitioner - Decree Holder - Advance Commercial Co. Ltd.

2. My attention is invited to the mishap report dated 18/5/2021 which is annexed to the Court Receiver's Report No. 273 of 2021.

3. From the report it is obvious that the building is in highly dilapidated condition. Learned counsel Mr. Tamboly states that the

entire building has been vacated and presently there are no occupants in the building. Statement is accepted.

4. My attention is invited to the communication dated 24/5/2021. This is brought to my notice by the office of the Court Receiver. By this communication the Municipal Corporation of Greater Mumbai ('MCGM' for short) has informed the Court Receiver that in view of the precarious condition of the said building and considering the safety of public at large, the Court Receiver is requested to look into the matter urgently and direct the concerned owner and occupier of the said building to take precautionary measures and safeguard the building within 48 hours.

5. Learned counsel Mr. Tamboly submits that if the building is to be demolished, the landlord is willing to bear the necessary expenses.

6. On behalf of the applicant, learned counsel Ms. Sadh submits that despite repair permission granted on the earlier occasions, the landlord did not take any steps to carry out any repairs and purposely allowed the things to come to a situation where the building requires demolition. It is open for the applicant to take such action/steps in accordance with law for redressal so far as this aspect is concerned.

7. In view of the mishap report which has been filed and considering that the land owner is ready to bear necessary expenses of demolition, the MCGM is directed to take necessary steps as regards the said building including immediate demolition, if necessary, in accordance with law.

8. At this stage learned counsel Ms. Sadh submits that the building permission is required under Regulation 67 of DC Rule. It is for the MCGM to take appropriate steps in accordance with law. The MCGM to take immediate steps and the Court Receiver's office will co-operate with MCGM. If any assistance / co-operation is required by MCGM from the landlord and occupants, learned counsel submits that all necessary co-operation will be extended. Statement accepted.

9. The Court Receiver's Report No.273 of 2021 is disposed of. The cost as requested in Clause (c) of the Court Receiver's Report No.273 of 2021 is granted.

(M.S.KARNIK, J.)