

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

COURT RECEIVER REPORT NO. 490 OF 2021
IN
INTERIM APPLICATION NO. 12833 OF 2021
IN
COMMERCIAL IP SUIT (ST.) NO. 12821 OF 2021

Brandzstorm India Marketing Pvt. Ltd. ...Plaintiff

Versus

L N Agency ...Defendant

Mr. Vinod Shukla i/by B. N. Shukla & Co., for the Plaintiff.

Mrs. Rekha Rane, IInd Asst. Court Receiver a/w Mr. V.D. Phatak,
ASO for Court Receiver.

CORAM : N. J. JAMADAR, J.

DATE : 17th DECEMBER, 2021.

P.C.:

1. Heard the learned counsel for the plaintiff.
2. By order dated 21st September, 2021, this Court granted interim reliefs in terms of prayer clauses (a)(ii) and (a)(iii) of the Interim Application.
3. The defendant is based at Bistupur, Jharkhand. This Court, therefore, thought it appropriate to appoint an Additional Special Receiver. The Court Receiver's Report reveals that Additional Special Receiver has submitted a report to the effect that

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the Receiver could not be execute his commission for want of requisite assistance from the jurisdictional police.

4. Para No. 6 of the Court Receiver's Report reads as under:-

"6. It is further respectfully submitted that on 14th December, 2021, this registry received an email from Mr. Arjun Singh, Additional Special Receiver, informing this registry that defendant was selling the infringing products belonging to Brandzstorm at three sites namely (1) Store No. F-25, 1st floor, P and M Mall, Jamshedpur - 831001 Jharkhand (2) Shop No.2 Bhari Mansion, Main road, Bistupur, East Singhbhum, Jharkhand 831001(3) Sakchi, Near Seetala Mandir, beside Chaganlal Jewelers. The additional Special Receiver further informed that the defendant are operating this three stores under the name of Brand Hub. Mr. Arjun Singh, Additional Special Receiver found these three stores are owned by LN Agency/Mr. Varun Agrawal (Authorized representative of L N Agency). He further requested this registry for the Court Receiver's assistance in seizing and sealing all products being sold through the above-mentioned three locations. Exhibit "F" is the copy of email dated 14th December, 2021."

5. In the aforesaid background, the Court Receiver has sought the following directions.

“a) The concerned Superintendent of Police be directed to provide adequate assistance to the Additional Special Receiver for executing the Hon’ble Court’s Order.”

6. Perused the report and the documents annexed thereto.

7. In the communication dated 18th October, 2021, Advocate Arjun Singh, Additional Special Receiver, has reported, inter alia, as under :-

“ Further, I would like to report that despite the letter issued by the Court Receiver, High Court, Bombay, and despite receiving and acknowledging the hard copy of the Court Receiver’s letter and despite of several follow-ups and meetings, Bistupur Police Station has not rendered any police help including women constables to me, Additional Special Receiver, for executing the Hon. Bombay HC order. ”

8. In a further communication dated 14th December, 2021, Learned Additional Special Receiver has reported, inter alia, as under :-

“ Further, I would like to report that despite the letter issued by the Court Receiver, High Court, Bombay, and despite receiving and acknowledging the hard copy of the Court Receiver’s letter and despite of several follow-ups and meetings and despite arranging for sending emails via the Court Receiver to police,

neither Bistupur Police Station nor the Jamshedpur SSP has rendered any police help including women constables to me, Additional Special Receiver, for executing the Hon. Bombay HC order. ”

9. Evidently, the jurisdictional police have not rendered assistance expected of them in execution of the order passed by this Court on 21st September, 2021. It seems that without the requisite police assistance, the Additional Special Receiver would find it difficult to execute the commission. Hence, the Court Receiver's Report is made absolute in terms of prayer clause '(a)'.

10. The Superintendent of police, Bistupur is directed to provide requisite police assistance, including lady Police Officer/officials to Advocate Arjun Singh the learned Additional Special Receiver, for execution of the order passed by this Court on 21st September, 2021.

11. Time to execute the commission stands extended till 20th January, 2022.

12. List on 20th January, 2022.

13. Ad-interim relief granted earlier shall continue to operate till 20th January, 2022.

(N. J. JAMADAR, J.)