

Sharayu Khot.

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

INTERIM APPLICATION NO. 165 OF 2022

IN

EXECUTION APPLICATION (L) NO. 264 OF 2022

Neo Growth Credit Pvt.Ltd.

...Applicant

Versus

V J Foods & Anr.

...Respondents

Ms. Priya Rita a/w Mr. Chaitanya Ghadyalji i/by Disha Karambar &
Associates for the Applicant.

CORAM : R.I. CHAGLA J

DATE : 10 January 2023

ORDER :

1. The Interim Application is taken out in Execution Application (L) No. 264 OF 2022 which is for execution of the Award passed by the learned Arbitral Tribunal on 15th July 2021 and as per Award, Respondents are jointly and severally directed to pay a sum of Rs. 30,32,448.74/- together with interest thereon calculated on outstanding due at the rate of 18% per annum on awarded amount from 15th June 2021 to 15th December 2021 i.e. an amount of Rs.

2,43,260.55 and further interest at the rate of 18% per annum from the date of filing till payment. Total awarded amount is Rs. 32,83,209.29

2. The Applicant has stated that they are not aware of the properties of the Respondents which are available for recovery of the decretal amount. Accordingly, necessary orders have been sought at this stage.

3. Learned Counsel appearing for the Applicant states that the Respondents have been served and Affidavit of Service dated 7th March 2022 has been filed which shows that the Respondents have been served by R.P.A.D. and the track report from the official postal website www.indiapost.gov.in shows as “*Item Delivery Confirmed*” to all Respondent No. 2 on 5th February 2022.

4. In spite of service, Respondents have not been remain present.

5. Accordingly, *ad-interim* relief is granted in terms of prayer clause (b), which reads thus:-

- b. That the Respondents above named be required by an order of this Hon'ble Court to file their Affidavit stating particulars of their properties etc., as provided under Order 21 Rule 41 of Code of Civil Procedure, 1908 since the Decree/Award dated 15th July, 2021 passed by the Learned Arbitral Tribunal has remained unsatisfied for more than 30 days from the date of its passing.
6. The Respondents shall file their Affidavit of Disclosure within a period of four weeks from the date of this order.
7. The Advocates for the Applicant shall serve notice of this order on the Respondents and file Affidavit of Service on or before the next date.
8. Stand over to 16th February 2023.

[R.I. CHAGLA J.]