

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 68 OF 2017

IN

ARBITRATION PETITION NO.1321 OF 2012

Tata Capital Financial Services Ltd. ... Petitioner

vs.

Deccan Chronicle Holdings Ltd and Anr. ... Respondents

and

The Court Receiver and Anr.

WITH

INTERIM APPLICATION NO. 2812 OF 2021

IN

EXECUTION APPLICATION NO. 2286 OF 2015

L and T Finance Limited ... Applicant

vs.

Deccan Chronicle Holdings Ltd and Ors. ... Respondents

Mr. Lalit Katariya i/b. M/s. Katariya & Associates for the Applicant / Petitioner.

Ms. Nikita Pawar and Mr. Bhushan Kanchan i/b. M/s. S. I. Joshi & Co. for Respondent no. 4.

Mr. Ashish Pyasi a/w. Ms. Sneha Nanandkar and Mr. Dinesh Jadhvani i/b. Dhir & Dhir Associates.

CORAM : A. K. MENON, J.

DATED : 31st JANUARY, 2022

[THROUGH VIDEO CONFERENCE]

P.C. :

1. This Chamber Summons is filed in a disposed arbitration petition under section 9. The petition was disposed on 21st February, 2013. The Chamber Summons has been taken out for discharge of Court Receiver who was appointed on 21st February, 2013. The Court Receiver is not in possession today. The application has been pending since the company was subjected to insolvency proceedings. The resolution plan is said to have been set aside by order dated 21st January, 2022 passed by the NCLAT.

2. On behalf of the applicant today a request is made that the matter may be adjourned since they intend to challenge the order of the NCLAT. In my view the application need not be kept pending. The property is still in the possession of the Court Receiver. Liberty can be granted to the petitioner to revive the Chamber Summons after the challenge to the order of the NCLAT.

In the circumstances, I pass the following order :

- (i) Chamber Summons no. 68 of 2017 is disposed.
- (ii) Liberty is reserved to the petitioner to revive the Chamber Summons after the challenge to the order of the NCLAT. It is clarified that no fresh Chamber summons needs to be filed.
- (iii) No costs.

(A. K. MENON, J.)