

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

WRIT PETITION NO.2571 OF 2021

Nitras Exports Private Limited ... Petitioner

V/s.

Central Bank of India ... Respondent

**PRIYA
RAJESH
SOPARKAR**

Digitally signed by
PRIYA RAJESH
SOPARKAR

Date: 2022.08.02
11:12:37 +0530

Mr.S.P.Kanuga, Advocate for Petitioner.

Mr.Rahul Narichania, Senior Advocate i/by Ms.Tejasvi Dattatray Dalvi,
Advocates for Respondent.

CORAM : K.R.SHRIRAM AND

A.S.DOCTOR, JJ.

DATE : JULY 27, 2022.

P.C.:-

1. Petitioner and respondent have acted upon the paragraphs 9 and 10 of the affidavit of Shri Rajesh Kumar Gupta (Regional Head-South Mumbai Regional Office of Central Bank of India, Chandermukhi, Nariman Point, Mumbai affirmed on 12th July, 2022 for reconstruction of the documents, which according to respondent, despite due efforts to trace the title deeds, are not traceable. Respondent states to have taken steps as under :-

“a. Respondent has lodged lost report No.19757-2022 dated 14th July, 2022 informing M.R.A. Marg Police Station that the documents mentioned therein are lost.

b. Respondent has public notice in Times of India, Mumbai

edition, issue of 15th July, 2022 informing the public at large that they have lost the documents of title mentioned therein and inviting objections, if any. The above notice is also published in vernacular language Hindi in Nav Bharat Times, Mumbai edition on 15th July, 2022 and also in vernacular language Marathi in issue dated 15th July, 2022 of Maharashtra Times, Mumbai edition.

c. Respondent, bank has informed by letter dated 14th July, 2022 to the Secretary, Raheja Chambers Premises Co-operative Society Limited to remove the lien of the bank on Office No.101, Raheja Chambers, Nariman Point, Mumbai -400 021.

d. Respondent has addressed further Letter dated 19th July, 2022 to the Secretary, Raheja Chambers Premises Co-operative Society Limited that there are no outstanding dues payable by petitioner.

e. Respondent has certified as true copies, the documents mentioned in loss report No.19757-22.

f. Respondent has also furnished affidavit of the Assistant General Manager, Ashok Sharma of Respondent, bank affirmed on 20th July, 2022 to petitioner to enable petitioner to obtain duplicate share certificate from Raheja Chambers Premises Co-operative Society Limited.”

2. A copy of the said affidavit of Ashok Sharma is annexed at Ex. F to the another affidavit by Mr.Ashok Sharma affirmed on 26th July, 2022.

3. Mr.Narichania states that the said affidavit will be filed in the registry by tomorrow, i.e., on 28th July, 2022. Statement accepted as an undertaking to this court.

4. Registry to also provide a certified copy of the said affidavit dated 26th July, 2022 to petitioner, if applied for.

5. Mr.Narichania on instructions undertakes to this court that respondent shall extend all co-operation to petitioner and provide any further documentation that petitioner may require for obtaining duplicate share certificate from Raheja Chamber Premises Co-

operative Society Limited. Mr.Narichania further states that the documents will be made available/the request of the petitioner will be complied with not later than seven days of receiving of request in writing from petitioner. Statement accepted as undertaking to this court.

6. Mr.Kanuga states that petitioner has no further claim against respondent except that he prays court should award some costs.

7. In our view, Mr.Kanuga is justified in asking for costs because petitioner would not have come to court, but for the inaction on the part of respondent for almost 12 years. Therefore, respondent to pay a sum of Rs.1 lakh (Rupees one lakh only) as costs to petitioner and this amount shall be paid within two weeks from today by way of cheque drawn in favour of Mr.Kanuga.

8. Petition stands disposed.

9. All to act on authenticated copy of this court. Certified copy expedited.

(A.S.DOCTOR, J.)

(K.R.SHRIRAM, J.)

....