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

COURT RECEIVER REPORT NO.377 OF 2023
WITH
COURT RECEIVER REPORT NO.31 OF 2024
IN
WRIT PETITION NO.3935 OF 2022

Ashok Dhavan

... Petitioner

Versus

Shaikh Basheed & Ors.

... Respondents

Mr. Anand Pai i/b M/s. J.R. Vakil and Associates for the Petitioner
Smt. Uma Palsuledesai, A.G.P. for the State
Ms. Charushila M. Vaidya, 2nd Assistant to Court Receiver

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CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 07 February, 2024

P.C.

1. The Court Receiver, High Court, Bombay had filed a Report dated 9th October 2023. Prayer (a) of the said Report reads as under:

“(a) What steps Court Receiver to take for sale of goods and movables of two rooms as per inventory, as this office received offers from three Scrap Merchants i.e. (i) M/s S. K. Scrap, offer price Rs. 8,000/- (ii) M/s Raj Scrap Traders, offer price Rs.10,000/- and (iii) M/s Gupta Scrap Traders offer price Rs.7,000/-.”

2. By an order dated 14th December 2023 passed by this Court, after considering the said Report dated 9th October 2023 and the inventory pertaining to the items in Room No.1 and 2 which were to be sold, the learned counsel for the Petitioner submitted that a further attempt would be made to explore the possibility of a better offer being received for the articles mentioned in the inventory. By the said Order, this exercise was permitted to be

undertaken and the Court Receiver was directed to file a Supplementary Report indicating the offers received thereafter.

3. Pursuant to the said Order dated 14th December 2023, the Court Receiver has filed a Report dated 18th January 2024. In paragraph 4 of the said Report, the Court Receiver has referred to four offers received for the articles in the said two rooms, which are as follows:

<i>Sr. No.</i>	<i>Name of Scrap merchant/Valuer</i>	<i>Offer of Rs.</i>
1.	MH Computers (Scrap Merchant)	Rs.14,000/-
2.	Deepak Chheda (Scrap Merchant)	Rs.13,500/-
3.	Ayaz Computer (Zameer) (Scrap Merchant)	Rs.1,2800/-
4.	AK Computer (Scrap Merchant)	Rs.10,700/-

4. In the light of the same, the Court Receiver has sought the following directions in the Report dated 18th January 2024:

“(a) What steps the Court Receiver should take for sale of goods and movables of two rooms as per inventory, as this office received offers from four Scrap Merchants i.e. (i) MH Computers (Scrap Merchant) Rs. 14,000/- (ii) Deepak (Scrap Merchant) offer price Rs. 13,500/- (iii) Ayaz Computer (Zameer) (Scrap Merchant) offer price Rs. 12,800/- (iv) AK Computer (Scrap Merchant) offer price Rs. 10,700/-.

(b) The Hon'ble Court may discharge the Court Receiver on payment of cost, charges and expenses without passing account after handing over possession of aforesaid two rooms to the Petitioner.

(c) Cost of this report for the sum of Rs. 5,000/- may be granted and permitted to be deducted from the suit account.

(d) Any other directions that this Hon'ble Court may deem fit and proper in the matter.”

5. We have perused the Report dated 18th January 2024 and the annexures thereto. It can be seen that, as opposed to the highest offer of Rs.8,000/-

received on the earlier occasion, now the highest offer received is of Rs.14,000/- from MH Computers. We are of the view that the goods and movables in the said two rooms, as per the inventory, can be sold to MH Computers for a sum of Rs.14,000/-.

6. For the aforesaid reasons, we hereby pass the following Orders:

- a. The Court Receiver to take steps to sell the goods and movables in the said two rooms, as per the inventory, to MH Computers for a sum of Rs.14,000/-.
- b. The Petitioner is directed to pay to the Court Receiver all the costs, charges and expenses of the Court Receiver as quantified by the Court Receiver, including the cost of both the Reports of Rs.10,000/-.
- c. On payment of the Court Receiver's costs, charges and expenses by the Petitioner, the Court Receiver to hand over possession of the aforesaid two rooms to the Petitioner.
- d. On handing over possession of the aforesaid two rooms to the Petitioner, the Court Receiver would stand discharged without passing Accounts.
- e. Court Receiver Report N.377 of 2023 and Court Receiver Report No.31 of 2024 stands disposed of.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)