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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 208 OF 2024

Tata Capital Limited

...Petitioner

Vs.

Chesa Dental Care Services Limited

...Respondent

Mr. Rohan Sawant a/w Sachin Chandarana and Amol Rasal i/by Manilal Ambalal & Co. for the Petitioner.

Mr. Sachin Mehta (through VC) for the Respondent.

Ms. Charushila Vaidya, 2nd Asst. to Court Receiver a/w V. Worlikar, S.O. is present in Court.

CORAM : ARIF S. DOCTOR, J.

DATE : 5th JULY, 2024

P.C.:-

1. Mr. Sawant, Learned Counsel for the Petitioner has today invited my attention to the order dated 28th March, 2024, by which, this Court after hearing Learned Counsel was pleased to allow the Petition in terms of prayer clause F(a) and F(c). He however submits that since the order makes a mention of only page No.72 of the Petition, the entirety of prayer clause 'F(c)' has not been reproduced in the order. He thus submits that the order would have to be clarified to this extent. He then invited my attention to the order and points out that prayer F(c) provides for sale of the leased equipments by way of public auction and hence

this having been granted, the relevant portion of the prayer would follow as a consequence.

2. Having perused the same, there is no hesitation in my mind that his submission is correct. In any view of the matter there is no opposition to the same by Mr. Mehta who appears for the Respondent through video conferencing.

3. Hence, it is clarified that the Petition is allowed in terms of prayer clause F(a) and F(c) at pages 72 and 73 of the Petition.

4. Mr. Sawant then submits that by the order dated 28th March, 2024, Respondent was directed to disclose the locations of the machines to the Applicant on or before 5th April, 2024. He submits that while the Respondent has made a disclosure, the same is not a full and complete disclosure of all the machines but is a selected disclosure. Thus there is today non-compliance by the Respondent in terms of the previous orders.

5. Mr. Mehta, who appears on behalf of the Respondent has today made a statement to the Court that his client shall disclose the locations as also current status of all the machines that were leased to the Respondent by the Petitioner within a week from today i.e. on or before 12th July, 2024. In addition to the affidavit of disclosure, Learned Counsel for the Respondent submits that he shall file an Affidavit-in-Reply to the Section 9 Petition also by the next date. Rejoinder, if any, be filed within a period of one week thereafter.

6. List the matter on 5th August, 2024.

7. The advocates for the Petitioner to furnish the Court Receiver the specific details of the machinery which is mentioned to the Exh.A to the Petition. Needless to state, the expenses of the Court Receiver shall be borne by the Applicants initially.

(ARIF S. DOCTOR, J.)