

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

COMMERCIAL ARBITRATION PETITION NO.208 OF 2024

Tata Capital Limited

... Petitioner

V/s.

Chesa Dental Services Limited

... Respondent

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

Mr. Prashant Katara (through VC) for the Respondent.

Ms. Charushila Vaidya, 2nd Asstt. to the Court Receiver is present.

CORAM : ARIF S. DOCTOR, J.

DATE : 12TH AUGUST 2024

P.C. :

1. Today a grievance was raised by Mr. Sawant, Learned Counsel appearing on behalf of the Petitioner that previous orders of this Court have not been complied with, inasmuch as Respondent No.1 has disclosed only locations of 5 machines and not the locations of 8 machines. Thus, Mr. Sawant submitted that the Court Receiver has been unable to act upon the orders of this Court and take possession of all 8 machines, which have been leased out by Respondent No.1.

2. Learned Counsel appearing on behalf of Respondent No.1 refused this contention and submits that the 8 machines are lying at these 5 premises only and there are no other premises where these machines are.

3. Accepting the statement of Learned Counsel for Respondent No.1, today I find that there is no impediment in the Receiver proceeding to take possession of the said 8 machines which are lying at the 5 locations of which disclosure has been made in the e-mail dated 8th April 2024.

4. Learned Counsel appearing on behalf of Respondent No.1 confirms once again that these are only locations at which the machinery is located. Hence, given this, the Court Receiver is directed to forthwith proceed to take possession of the machinery lying at the said premises at the addresses mentioned in the e-mail dated 8th April 2024.

5. It is made clear that requisite police assistance shall also be given to the Court Receiver, High Court, Bombay for the purposes of taking possession of the said machinery, though Learned Counsel for the Respondent No.1 submits that this would not be necessary as there will be no resistance in handing over the said machinery.

6. The repossession of the machinery shall be handed over to the Petitioner once possession is taken place.

7. It is made clear that at the time of taking possession in the event, if any such consumable items does not form part of the leased machinery, the details of such items shall be provided to the Court Receiver.

8. Stand over to 23rd September 2024.

(ARIF S. DOCTOR, J.)