

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO. 15 OF 2024
IN
SUIT (L) NO. 1242 OF 2018**

Prashama Shukla and anr .. Plaintiffs

Versus

Heena Builders and Developers and .. Defendants
ors

...

Mr. Rohaan Cama i/b Sapana Rachure for the plaintiff in Suit (l) no. 1242 of 2018.

Ms.Gauri Mestha i/b LJ Law for judgment creditor and plaintiff in Suit no. 817/2015.

Mr.Gopichand Vasant Jawale i/b Sunil Sonawane, Law Officer, appearing for BMC.

Mrs.S.S. Dukhande, S.O. Court Receiver present.

**CORAM: BHARATI DANGRE, J.
DATED : 19th APRIL, 2024**

P.C:-

1 Court Receiver's Report No.15 of 2024 has sought directions, as regards the Warrant of Attachment by the Assistant Assessor & Collector, H/West Ward for non payment of outstanding property tax of Rs. 1,10,01,054/-, and as to what steps should be taken as regards the demand. Further, since an amount of Rs.11,31,25,000/- was lying in the Fixed Deposit in respect of the sale consideration of suit flat no. 601/6A and 602/6B.

Directions are also sought, as to the steps to be taken.

2 On 1/2/2024. I deemed it appropriate to issue notice to the Municipal Corporation of Greater Mumbai (MCGM), so as to ascertain its outstanding claim towards the statutory dues.

Accordingly, notice is served upon the MCGM and the Law Officer representing the MCGM Shri Gopichand Jawale has marked appearance and he seek some time.

3 Mr.Cama would however submit that let the MCGM place the details about the outstanding property tax, and if it is due and liable to be paid and thereupon the Court Receiver shall place a fresh report before this Court, indicating that the amount payable towards the statutory dues, which shall be cleared on priority basis.

As far as the balance amount is concerned, that shall be permitted to be retained and then expended towards the construction and according to Mr. Cama, a new Contractor has been identified and the offer of the of the Contractor, shall also be placed before the Court Receiver for due consideration.

4 In the wake of the above, Court Receiver's Report No. 15/2024 stand disposed off, with liberty to the Court Receiver to file a fresh report, upon receipt of the fresh proposal from the Contractor as well as the details of the dues from the MCGM.

As far as the direction no.(d) is concerned, where Court Receiver is requested to give directions to the judgment debtor Mr.Mihir Shah to submit the necessary original title documents in respect of Gujrat and Wai, Satara property, since there is no presence of the defendant today, let a fresh notice be served by the Court Receiver, with a reminder to hand over the said documents, which shall be furnished to the Court Receiver on or before 30/4/2024.

Re-notify to 20/6/2024.

(SMT. BHARATI DANGRE, J.)