

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO. 87 OF 2024
IN
COMMERCIAL ARBITRATION PETITION (L) NO. 1558
OF 2019**

JSW Steel Limited

.. Petitioner

Versus

Delta Iron and Steel Co. Pvt Ltd and
ors

.. Respondents

...

Ms. Yasmeen Mohd. Sabir i/b Link Legal for JSW Steel for the
original petitioner.

Ms.V.N.Worlikar, S.O, Court Receiver.

CORAM: BHARATI DANGRE, J.

DATED : 24th APRIL, 2024

P.C:-

1 Court Receiver has submitted a report in form of
Court Receiver's Report No. 87/2024, where it seek direction
from the Court as to whom the possession of 11 Coils is to be
handed over. The Court Receiver also seek discharge without
passing accounts subject to the payment of costs, expenses and
charges.

2 Along with the Court Receiver, an order passed by this Court in Arbitration Petition filed by JSW Steel Limited, is placed on record.

The Court Receiver is appointed in the wake of the claim of the petitioner JSW Steel, that against the respondent, it has an outstanding claim of Rs.Nineteen Crore, but this statement was disputed.

In the wake of the prevailing scenario, by way of ad-interim order, the Court Receiver was appointed with all powers under Order XL Rule 1 of the Code of Civil Procedure, 1908, *inter alia*, to take stock and custody of the materials belonging to the petitioner and in the respondents' possession, whether stored at the latter's warehouses or otherwise, wherever situated.

3 In compliance thereof, the Court Receiver has taken possession of 160 coils, out of which most of them were handed over to third party applicants and out of 10, 7 coils have been stored in the warehouses of Karu Metal and 3 coils were stored in warehouse of Rishab Digha Steel.

4 Site inspection was taken of the warehouses and to note that 8 HR coils, Court Receiver had taken possession of 7, and one was in possession of JSW Steel. Since the coil number and the batch number did not match, the Court Receiver visited the site once again on 19/7/2022 and upon the Interim Application taken by Karu Metal, directing the Court Receiver to

take 8 coils lying in its warehouse, as it had sold its warehouse to a third party, Court Receiver was appointed in respect of the 8 coils and the Receiver was directed to take possession by putting seal thereon and to shift the coils to another warehouse.

The aforesaid exercise was carried out and 8 coils were shifted to Paramshakti Steel Pvt Ltd, at Taloja on 10/11/2022, as a result of which Court Receiver is in possession of 11 Coils.

5 One Ms.Aashna Y Khanna filed an Interim Application, seeking relief of handing over of the HR coils in her favour and this application was directed to be placed before the Court Receiver for due consideration.

The Court Receiver has therefore, placed a report, indicating that though Ms.Aashna Khanna claim rights over the HR Coils through her father Mr.Yatin Khanna, who is claimed to have purchased the subject HR coils from the petitioner, but since he has failed to make the payment for the same, the claim staked by her, is specifically referred to the Court Receiver, as an attempt to collude and commit fraud to defeat the rights of bonafide sellers.

In any case, the application filed by Aashna Khana was not prosecuted by her and taken to a logical end as she failed to appear before the Court Receiver, indicating that she is no more interested in prosecuting the claim.

In wake of the above, the Court Receiver has sought necessary direction.

6 On following the acts in the past, along with an attempt to intervene by staking a claim on the 11 coils, which claim has not been proved, I deem it appropriate that the Court Receiver who is in possession of 11 coils shall return the same to the petitioner.

The petitioner shall remove the 11 coils from Paramshakti Steel Pvt Ltd and Rishab Digha Steel, the warehouses located at Taloja at his own costs and expenses.

7 The Court Receiver is discharged without passing accounts, subject to the payment of cost, charges and expenses of the Court Receiver.

Cost of the report at Rs.5,000/- shall also be paid by the petitioner.

Court Receiver's Report No. 87 of 2024 is made absolute.

(SMT. BHARATI DANGRE, J.)