

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO.120 OF 2024
IN
COMM. ARBITRATION PETITION NO.147 OF 2018

Khambhati Modh Vanik Samaj .. Petitioner
Versus
Bhakti Enterprises .. Respondent

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Mrs.Charushila M. Vaidya, 2nd Assistant to the Court Receiver with Mr.Laxman Madgundi, Representative of the Court Receiver, present.

Ms.Snehal Shashikant Chaudhari (through VC) with Mr.Shashikant Chaudhari i/b Maharashtra Law Associates for the Petitioner.

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CORAM: BHARATI DANGRE, J.
DATED : 19th MARCH, 2024

P.C:-

1. By order dated 28/08/2018, the Court Receiver, High Court, Bombay came to be appointed as Receiver of the suit project i.e. "Samaj Darshan" and necessary directions were issued to take possession thereof and submit the Report. Accordingly, the Court Receiver took formal possession of the suit project and obtained formal undertaking from Mr.Kaushik Chandawalla, one of the Trustees of the Petitioner for

safeguarding the suit property. By order dated 21/09/2018, this Court directed the Trust to submit its proposal to the Court Receiver, setting out the manner in which it intends to complete the project and the Petitioner was permitted to deploy the security guards at the suit project site to protect the property at their costs.

2. Upon the compliance being ensured, by order dated 03/04/2019, the Court Receiver was discharged, subject to payment of cost and the Court directed the Court Receiver to hand over the suit project to the Respondent. However, once again, by order dated 26/06/2020, the Court Receiver, High Court, Bombay was appointed as a Receiver in respect of the suit property i.e. all the flats, premises, assets and properties belonging to or in the name of the Firm M/s Bhakti Enterprises and, in particular, in the newly constructed building viz. "Samaj Darshan". Pursuant thereto, the Court Receiver carried out the necessary mandate by visiting the suit site, to notice that the possession of the suit property is not with the Respondent, but it was in possession of the Collector in terms of the order of MAHARERA.

On 10/12/2020, the representative of the Court Receiver took possession of the suit property from Mr.S.M.Bhagwat, Circle Officer, Kurar and it was handed over to the Petitioner, as directed by the Court vide its order dated 26/11/2020. Thereafter, the project was completed by the Developer, in compliance of the order dated 26/11/2020 and the Occupation Certificate is also received in respect of the residential building, comprising of Stilt +1st to 15th +16th (part) upper

floors on the plot bearing CTS No.84-C of village Malad and, hence, the Court Receiver has sought discharge, without passing of account, but subject to payment of Rs.50,300/- towards costs, charges and expenses of the Court Receiver alongwith the cost of report.

3. Since the directions issued by this Court in the order dated 26/11/2020 are now accomplished and an Occupation Certificate is received in respect of the suit building, the Court Receiver deserve discharge without passing of account, but he is entitled to receive the cost of Rs.5,000/- as well as the sum of Rs.50,300/- towards costs, charges and expenses from the Petitioner.

4. The Court Receiver's Report No.120 of 2024 stands disposed off.

(SMT. BHARATI DANGRE, J.)