

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

EXECUTION APPLICATION NO. 38 OF 2006

Mittal Tower Premises Co-op. Hsg. Soc. Ltd.

...Applicant

V/s

Manjula Shrimankar and Ors.

...Respondents

WITH
COURT RECEIVER'S REPORT NO. 193 OF 2024
WITH
COURT RECEIVER'S REPORT NO. 192 OF 2024
WITH
COURT RECEIVER'S REPORT NO. 117 OF 2023

Mr. Niranjana Kandade i/b Mr. Nandu Pawar for Claimant-Society.
Ms. Shivani Prasad i/b Jayakar & Partners for Respondents No. 1 and 2.
Mr. Prashant A. Shinde i/b Anant B. Shinde & Co. for Respondent No.5.
Ms. Niyati Shah with Mr. Tanya Srivastava i/b MLS Vani Associates for
Appellants in Appeal (L) No. 459 of 2020 and 127 of 2020.
Mr. S. K. Dhekale, Court Receiver with Mr. N. C. Pawar , O.S.D. present.

CORAM : ABHAY AHUJA, J.
DATE : 23RD APRIL, 2024

PC. :

1. Pursuant to the earlier orders of this Court ending with order dated 2nd April, 2024, today when the matter is called out, learned Court Receiver submits a report bearing no. 192 of 2024 seeking the following directions:-

“a) The Hon’ble Court may pass necessary directions to sale the suit premises viz.125/A, 12th Floor, A-wing, Mittal Towers Premises co-operative Society Ltd., Plot No. 210, Nariman Point, Mumbai-400 021 by public auction as per schedule fixed in the parties meeting.

b) Costs of this report be awarded in the sum of Rs. 5,000/- and the Applicant society may be directed to deposit the same in the office of the Court Receiver.”

2. Learned Counsel for the Applicant-Society, for the Respondent No. 5-Bank of India as well as for the Licensor and Licensee are present in the Court and submit that the proposed auction schedule be approved, however, submitting that since the last three auctions failed and that this Court (Coram : Manish Pitale, J.) had allowed the reserve price to be divulged, this Court also permit the mention of the reserve price in the public notice to be published in the news papers.

3. This Court’s attention is also drawn to Rule 529 of the High Court Original Side Rules, which is quoted as under:-

“529. Reserved bid not be divulged:- Unless otherwise ordered, the reserved bid shall not be divulged to any person either before, at or after the sale”

4. Therefore, unless this Court orders otherwise, the reserve bid is not to be divulged before, at or after the sale. However, considering the request made on behalf of the concerned parties and going by the fact that three auctions in the past have not borne any fruit, in the interest of the execution proceedings, this Court directs that the reserve price be disclosed in the public notice to be published in the news papers as per the auction schedule.

5. The Applicant and the Advocate have agreed to bear the cost of the publication and of the auction sale.
6. Accordingly, the proposed auction schedule is approved and the Court Receiver's Report is made absolute in terms of prayer Clauses (a) and (b) as above.
7. List on **11th June, 2024 at 2.30 p.m.** for opening of the bids.

(ABHAY AHUJA, J.)