

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

**COMMERCIAL EXECUTION APPLICATION NO.30 OF 2017
WITH
CHAMBER ORDER (L) NO.479 OF 2019
IN
COMMERCIAL EXECUTION APPLICATION NO.30 OF 2017
WITH
INTERIM APPLICATION NO.1794 OF 2023
IN
COMMERCIAL EXECUTION APPLICATION NO.30 OF 2017
WITH
INTERIM APPLICATION (L) NO.29227 OF 2023
IN
COMMERCIAL EXECUTION APPLICATION NO.30 OF 2017
AND
INTERIM APPLICATION NO.1793 OF 2023
IN
COMMERCIAL EXECUTION APPLICATION NO.30 OF 2017**

Amrutlal Premji Patel

... Applicant/Judgment Creditor

Vs.

Nirman Realtors and Developers
Limited and ors.

... Respondents/Judgment Debtors

Mr. Aseem Nafade with Mr. Yogendra Rajgor i/by M/s Legal Chartered,
Advocate for the Applicant/Judgment Creditor.

Mr. Ravi Gadagkar with Ms. Madhuri Gaikwad i/by M/s MG Legal,
Advocates for the Respondents No.1 to 3/Judgment Debtors.

Mr. S. K. Dhekale, Court Receiver with Mr. Nitin Pawar, OSD, Court
Receiver are present.

CORAM : ABHAY AHUJA, J.

DATE : 08 MAY, 2024.

P.C. :

1. Pursuant to order dated 27th March, 2024, today when the matter

is called out, the learned Court Receiver tenders across the Bar Court Receiver's Report No.202 of 2024 seeking the following directions:-

“(a) What steps the Court Receiver should take in respect of 8 suit properties as valuation in sealed envelope is received from the valuer M/s H. Mehta and Associates.

(b) The cost of report be fixed at Rs.5,000/- and the Court Receiver may be allowed to deduct the same from the balance available in the suit account.”

2. This Court is informed by Mr. S. K. Dhekale, learned Court Receiver that after taking symbolic possession of the 8 properties referred to in order dated 27th March, 2024, M/s H. Mehta & Associates-Architect and Valuer on the panel of the Court Receiver was appointed to carry out the valuation of the said properties on “as is where is basis” and that the Valuer has submitted his report which is placed in a sealed cover. Under the directions of this Court, the sealed cover is opened and the said report is perused. The conclusion at page 5 paragraph 6 of the report indicates that in the opinion of the Valuer the total fair market valuation of the suit properties as on 6th May, 2024 is Rs.3,09,89,116/-. The report is taken on record. The learned counsel for the parties have requested copy of the report. Let copy of the report be furnished to them upon an appropriate Application be made in that behalf.

3. Both the learned counsel for the parties submit that this Court direct the Court Receiver to call for a meeting so that the terms and conditions, the schedule for the auction of these properties and the modalities for the said auction can be discussed and the draft of the same can be put up for approval of this Court by the next date.

4. Let the Court Receiver call for a meeting to discuss the terms within a period of eight weeks. Let the Respondents furnish to the Court Receiver as well as to the Applicant a statement of the stage of construction of each of the 8 properties in question within a period of two weeks.

5. List on 18th July, 2024.

6. Let the cost of the report fixed at Rs.5,000/- be paid by the Applicant / Decree Holder within a period of four weeks.

7. The Court Receiver's Report accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)