

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION (L) NO. 19126 OF 2024

Siemens Financial Services Private Limited

...Petitioner

Vs.

PCL Enterprises & Anr.

...Respondents

WITH
COURT RECEIVER REPORT NO. 347 OF 2024

Mr. Anoshak Daver a/w Aushi Doshi and Yash Dadriwal i/by India Law LLP for the Petitioner.

Mr. N. C. Pawar, O.S.D., Court Receiver is present.

Mr. Rahul S. Powar, Representative of Court Receiver is present.

Mr. M. Pathak (through VC) for the Respondents.

CORAM : ARIF S. DOCTOR, J.

DATE : 9th SEPTEMBER, 2024

P.C.:-

1. This Court had by its previous order issued notice to Mr. Virendra Singh, S.H.O. of Khuskera Police Station and Ms. Jeshtha Maitreyee, S. P. of Bhiwadi District.

2. Today when the matter was called, Mr. Virendra Singh, S.H.O. of Khuskera Police Station appeared virtually, however, it is regrettable to note that despite a specific order of this Court, Ms. Jeshtha Maitreyee, S. P. of Bhiwadi District has not appeared. I shall deal with this aspect later.

3. Today, Mr. Pathak Learned Counsel appearing on behalf of Respondents has also appeared virtually and submitted that since the last date of hearing the Respondents have made payment of sum of Rs.12,64,000/- thereby regularizing the account. Learned Counsel submits that his client shall henceforth make regular payments towards the said installments due and payable to the Petitioner and it is thus that he requests that today the Receiver not be directed to take further steps pursuant to the orders already passed.

4. Mr. Pathak submits that the next installment due to the Petitioner is on 15th September, 2024 and requests the matter to be stood over to after that date in order to test the bonafides of the Respondents. He submits that if the Respondents do not honour the next installment due, then the Court Receiver can be directed to take further steps pursuant to the orders already passed.

5. Given that today there is no dispute that since the last date of hearing the account of the Respondents has been regularized, the request for the Court Receiver to presently not take further steps is not an unreasonable one.

6. In all fairness Mr. Daver, Learned Counsel for the Petitioner does not oppose the request and confirms that payments have in fact been made upto date. He further submits that while the Receiver may till the next date be directed not to take further steps, the Respondents must be directed to intimate the Petitioner in writing of the location of the said machinery and also undertake not

to move the machinery from the said location without intimating to the Petitioner.

7. Mr. Pathak submits that the Respondents shall intimate to the Petitioner in writing (a) the location of the said machinery and (b) that the same shall not be moved without prior intimation to the Petitioner. His statement is accepted.

8. Hence, today there is no need to pass any further orders directing the Court Receiver to take possession of the said machinery presently. Before parting, I must note that despite a specific direction to remain present, Ms. Jeshtha Maitreyee, S. P. of Bhiwadi District was not present today. I am presently not issuing notice in contempt. However, let a copy of this order be placed before the Director General of Police, Rajasthan for his necessary information and record.

9. Mr. Virendra Singh, S.H.O. submitted that there shall be full cooperation in the event possession of the said machinery is to be taken. However, he submitted that all the necessary costs, charges and expenses for that purpose would have to be borne by the Petitioner and are payable in the office of the S.P.

10. Stand over to 25th September, 2024 at 2.30 p.m. for directions.

11. Petitioner is at liberty to inspect the machinery. Mr. Pathak submits that they shall be of full cooperation in this regard.

(ARIF S. DOCTOR, J.)