

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

COMMERCIAL EXECUTION APPLICATION NO. 30 OF 2017

Amrutlal Premji Patel ...Applicant
V/s.
Nirman Realtors and Developers Limited and Ors. ...Respondents

**WITH
CHAMBER ORDER (L) NO. 479 OF 2019
WITH
INTERIM APPLICATION NO. 1794 OF 2023
WITH
INTERIM APPLICATION (L) NO. 29227 OF 2023
WITH
INTERIM APPLICATION NO. 1793 OF 2023**

Ms. Rekha Shinde for the Applicant.
Mr. Ravi Gadagkar with Ms. Namrata Rayate i/b MG Legal for Respondents No. 1 to 3.
Respondent No. 3, Mr. Ajit Marathe, present in Court.
Mr. S. Dhekale, Court Receiver with Mr. N. C. Pawar, OSD present.

**CORAM : ABHAY AHUJA, J.
DATE : 1st OCTOBER, 2024**

PC. :

**NIKITA
YOGESH
GADGIL**

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NIKITA YOGESH
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Date: 2024.10.02
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1. Pursuant to the earlier orders of this Court, today when the matter is called out, learned Court Receiver tenders across the bar Court Receiver Report No. 420 of 2024 seeking following directions:-

“a) The Hon’ble Court may pleased to pass an order of sale of eight immovable properties which are in symbolic possession of Court Receiver.

b) The Hon’ble Court may approve the revised schedule of sale of eight immovable properties and the office of the

Court Receiver be permitted to revised the Draft of Terms and Conditions of sale and Public Notice as per Schedule fixed by the Hon'ble Court.

c) The cost of this report may be fixed at Rs. 5,000/- and the Court Receiver may be permitted to deduct the same from the suit account.”

2. A perusal of the said report indicates that pursuant to the order of this Court, meetings have been conducted with the Judgment Creditor as well as Judgment Debtors and that valuation also been conducted and the proposed schedule of the auction sale to be conducted by the Court Receiver has been submitted in paragraph 10 of the said report.

3. Ms. Shinde, learned Counsel for the Applicant and Mr. Gadagkar, learned Counsel appearing for the Judgment Debtors No.1 to 3 have no objection if the said auction schedule is allowed.

4. Accordingly, this Court is of the view that the auction sale with respect to the eight properties mentioned in the report be conducted as per the schedule in paragraph 10.

5. A perusal of the public notice at Exhibit D to the report indicates that there is no column of the price at which the said properties would be sold.
6. Accordingly, this Court directs the Court Receiver to include the column for the sale price based on the valuation report dated 6th May, 2024 by M/s H. Mehta & Associates by adding another column after the column of EMD.
7. Let the revised public notice also be approved by the Judgment Creditors and the Judgment Debtors after which the same can also be published as per the schedule.
8. Having heard the learned Counsel and having considered the Court Receiver's Report, this Court is of the view that subject to the above, the Court Receiver's Report be allowed in terms of the prayer Clauses (a) to (c) as above.
9. The Court Receiver's Report No. 420 of 2024 accordingly stands disposed. List on **25th October, 2024 at 2.30 p.m.** for opening of bids.

(ABHAY AHUJA, J.)