# IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CIVIL APPELLATE JURISDICTION

## WRIT PETITION NO.10828 OF 2025

Mukesh Thakkar & Ors. .....Petitioners
Vs.
Union of India & Ors. .....Respondents

Mr. Veer Kankaria with Mr. Jainam Jain, for the Petitioners.
Mr. S. R. Soni, for the Respondent No.1-UOI.
Mr. Gaurav Grover, (through VC), for the Respondent No.3.

**CORAM : REVATI MOHITE DERE &**
**DR. NEELA GOKHALE, JJ.**
**DATE : 8th AUGUST 2025.**

**P.C.:-**

1. The Petitioners seek a direction restraining the Respondents from proceeding with an auction scheduled for 4th August 2025 in respect of goods lying in the warehouse owned by the Respondent No.1. They also seek a direction to immediately release the goods upon submission of an appropriate undertaking or payment without prejudice as the Court deems fit.

2. The Petitioners are stated to be engaged in the manufacture and trade of dry fruits, spices and *amla* candy, which are perishable products. The Respondent No.1 is the Central Warehousing

Corporation of India. There is an agreement between the Petitioner No.1 and the Petitioner No.3 dated 16th January 2024 by which the Respondent No.3 was permitted to use the multi product Controlled Atmosphere Cold Storage (CACS) on dedicated warehousing at the Central Warehouse, CFS, Ambad for consideration. The Respondent No.3 in turn had permitted the Petitioners to use the said storage facility. It appears that there has arisen a dispute between the Respondent No.1 and the Respondent No.3 *inter se* pertaining to the recovery of licence fee of the said storage facility.

3. Pursuant to the dispute, the Petitioners received a copy of the notice issued by the Respondent No.1 to the Respondent No.3 regarding auction of the goods stored in the said storage facility, on failure of the Respondent No.3 to clear certain outstanding dues of the Respondent No.1. Since the goods essentially are owned by the Petitioners herein, the dispute between the Respondents *inter se* is affecting the business interest of the Petitioners in so far as the auction of the goods will be detrimental to its interest. Hence, the Petitioners have approached this Court for the reliefs as prayed.

4. Heard Mr. Veer Kankaria, learned counsel for the

Petitioners, Mr. S.R.Soni, learned counsel for the Union of India and Mr. Gaurav Grover, learned counsel for the Respondent No.3.

5. At the very outset, we express our displeasure on the conduct of the Petitioners inasmuch as, a Petition was filed earlier by Nirmal Enterprises, the Petitioner No.8 herein who was Petitioner in that Petition, seeking identical reliefs as in the present Petition. We were not inclined to pass any order in that Petition. Now, the present Petition is filed seeking the same reliefs by 13 Petitioners, where Nirmal Enterprises is arrayed as Petitioner No.8. Thus, the Petitioners have filed identical Petition without a single averment that such a Petition was filed earlier wherein no relief was granted to that Petitioner. Such kind of practice is thoroughly deprecated and for this conduct, Mr. Kankaria undertakes to deposit an amount of Rs.25,000/- towards cost for such practice within a period of ten days from the date of this order with the Bar Council of Maharashtra & Goa, the details of the account are as under:

| | |
|---|---|
| Bank Name | :- State Bank of India |
| Branch Name | :- Mumbai Main Branch |
| Account Name | :- BAR COUNCIL OF MAH. & GOA. |

Account Number :- 00000010996711937

IFSC Code :- SBIN0000300

6. Be that as it may, there appears to be a suit filed by the Respondent No.3 against the Respondent No.1 in a District Court at Delhi. We are informed that there is also a Writ Petition filed before the Delhi High Court concerning the issues involved between the Respondents *inter se*. However, this need not deter us as we are concerned only with the auction of the perishable goods of the Petitioners.

7. In the interest of expedience, Mr. Kankaria, on instructions, states that the Petitioners without prejudice to their rights and contentions are read to deposit an amount of Rs.33,59,000/- which is the amount indicated as outstanding in a letter dated 5th July 2025 addressed by the Respondent No.1 to the Respondent No.3, to the Respondent No.1 within a period of one week from the date of uploading of this order. In turn, the Respondent No.1 shall release the goods belonging to the Petitioners on receipt of the said amount without prejudice to their rights and contentions including the additional claims, if any. The present order is passed for the sole purpose of

ensuring that the perishable goods may not be damaged.

8. We make it clear that we have not gone into the merits of the allegations made by the parties in the Petition and as such, keep all contentions of all the parties open. This order shall not in any manner affect the proceedings pending before the Delhi Courts or those that may be initiated by any of the parties *inter se*.

9. The Petition stands disposed of accordingly.

10. All parties to act on an authenticated copy of this order.

**(DR. NEELA GOKHALE, J.)** **(REVATI MOHITE DERE, J.)**

SHAMBHAVI NILESH SHIVGAN

Digitally signed by SHAMBHAVI NILESH SHIVGAN
Date: 2025.08.13 10:44:30 +0530