

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO. 245 OF 2024
WITH
COMMERCIAL ARBITRATION PETITION NO. 447 OF 2024
WITH
COURT RECEIVER REPORT NO. 46 OF 2024
IN
COMMERCIAL ARBITRATION PETITION NO. 447 OF 2024**

Aditya Birla Finance Limited ...Applicant

Versus

Ma Durga Hardware Stores ...Respondent

Mr. Vishal Maheshwari *a/w Shrishty Punjabi i/b VM Legal, for the Applicant.*

Appearance not received for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 20, 2025

ORDER :

1. By an order dated December 20, 2023, a Learned Single Judge of this Court had been pleased to grant interim reliefs in terms of prayer clauses (a) and (b) pursuant to which the Learned Court Receiver was directed to take possession of two additional floors, namely, the fourth floor and fifth floor.

2. Subsequently, by an order dated April 1, 2025, the same relief was sought to be extended to the inventory that was potentially kept on the terrace which would also be said to be covered. However, the said order does not allude to taking possession of what was stored on the terrace and only refers to taking an inventory.

3. Consequently, pursuant to a request made on behalf of the Petitioner, it would be appropriate to maintain consistency with the same relief that had been granted in December 2023, since the substance of the reason for which the material kept on the terrace was also sought to be included, is the same.

4. Consequently, paragraph 9 of the order dated April 1, 2025 shall be amended as follows:

*The report of the Learned Court Receiver dated January 24, 2024, shows that the possession of the fourth and fifth floor has been taken and they are kept under the seal of the Court Receiver. However, it is likely that the inventory that may have been kept on the terrace is also said to have been covered. Consequently, the Court Receiver shall be entitled to make an inventory of whatever is stored on the terrace floor, **take possession of the same**, and file a report of whatever is found therein. The Officials of the Court Receiver shall be entitled to*

have access to the terrace, and the assistance of the local police station shall be made available to the Court Receiver should the need arise. A copy of this order shall also be served on the jurisdictional Police Station in which the property lies to enable and ensure compliance with this order.

5. Likewise, since an arbitrator came to be appointed by the same order, it is verified that all the agreements referred to in the Application shall stand covered by the reference to the Petitioner made by the said order.

6. The Court Receiver's report already prepared in respect of taking an inventory shall be updated after possession is taken. Stand over to ***July 18, 2025***.

7. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]