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

ARBITRATION PETITION NO. 407 OF 2024
WITH
COURT RECEIVER'S REPORT NO. 87 OF 2025

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Juhu Tara Co-operative Housing Society Limited ...Petitioner(s)
Versus
Shree Sai Sagar Consultants & Anr. ...Respondent(s)

Mr. Aurup Dasgupta a/w Sonam Ghiya, Drshika Hemnani & Prapti
Bhadra I/B Auroma Law, for Petitioner.
None for Respondents.
Mrs.S. S. Dakhande, Section Officer, Court Receiver present.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 7, 2025

P. C.

1. It is seen from the Court Receiver's Report No. 87 of 2025 dated February 12, 2025 that evidently, the property in question stands abandoned and no work is being carried out at the site. The Petitioner-Society and its members have vacated their premises way back in 2010 and a partly constructed structure remains with no one to guard the property. In these circumstances, it would be appropriate to direct the Court Receiver to seal the property in question and take charge of the site.

2. Further *interim* relief in terms of prayer clauses (b) and (c) shall follow, which read thus :

(b) That pending the commencement, hearing and disposal of the Arbitral proceedings between the Petitioner and the Respondents, this Hon'ble Court be pleased to appoint a Court Receiver, High Court, Bombay or any other fit and proper person be appointed as Receiver with respect to the said Property with all powers under Order XL Rule I of the Code of Civil Procedure, 1908 including power to take possession of the said Property being land bearing CTS No. 34(Pt) of Village Juhu, situated at Plot No.1, Sub Plot No. 11, Near UCO Bank, 10th North South Road, JVPD Scheme, Mumbai - 400 049 admeasuring about 569 sq.mtrs.;

(c) That pending the commencement, hearing and disposal of the Arbitral proceedings between the Petitioner and the Respondents, this Hon'ble Court be pleased to pass an order restraining the Respondent No.2 from in any manner whatsoever, utilizing and/or acting upon the Power of Attorney dated 27th November 2009;

3. List the matter on ***April 28, 2025***.

4. Learned Counsel for the Petitioner submits that an application under Section 11 of the Act shall be filed before the next date. Let the Application under Section 11 of the Act and this Petition be tagged and listed on the next date.

5. 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.]