

R.V.Patil

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

COURT RECEIVER REPORT NO. 28 OF 2024

AND

COURT RECEIVER REPORT NO. 60 OF 2023

IN

SUIT NO. 3005 OF 2008

Mahendra Girdharlal Mehta and Ors.

...Plaintiffs

Versus

Atul Builders and Estate Ltd. and Ors.

...Defendants

Mr. Vivek Kantawala i/b Mr. Shanay Bafna for the Plaintiffs.

Mr. Rubin Vakil, a/w Mr. Maulik Vora, Ms Akshata Pawar i/b M/s.
Pramodkumar & Co. for Defedant No. 1.

Mr. Aseem Naphade a/w Mr. Wasim H. Hassan for Defendant No. 7.

Ms Vaishali Ugale i/b Ms Komal Punjabi for the BMC.

Mr. N. C. Pawar, OSD, Court Receivers Office, is present.

CORAM : R.I. CHAGLA, J.

DATED : 17th FEBRUARY, 2025.

ORDER :

1. Mr. Vivek Kantawala, learned counsel appearing for the Plaintiffs has submitted that pursuant to the order dated 05 February

2025 the plaintiffs have carried out the exercise of determining the number of additional security guards which are required to be deployed for providing sufficient security, inside the suit property as there is no security which has been provided inside the suit property till date. He has submitted that there is encroachment of slums outside the suit property and which is creating a security hazard to the suit property. Further, inside the suit property there is the Trans Trade Centre which requires protection. Currently there are five security guards deployed outside the suit property and costs of which are being borne by the plaintiffs. He has submitted that the costs for the additional security guards are required to be borne by the Defendant No. 1, as Defendant No.1 has enriched itself from being in occupation of the suit property and earning therefrom.

2. Mr. Rubin Vakil, learned counsel appearing for the Defendant No. 1 has submitted that 20% of the earnings from the suit property has been paid over to the plaintiffs by Defendant No. 1. He has sought for time to place this on affidavit.

3. The dispute with regard to the payment for the additional security guards to be deployed shall be considered on the next date,

after perusing the affidavit of Defendant No. 1. The Defendant No. 1 shall file their affidavit within a period of two weeks from today.

4. Till the next date, the Court Receiver appointed by this Court shall take necessary steps to appoint Escorts Protection Detection and Security Services who shall provide a total of six guards to be deployed inside the suit property for safeguarding the suit property. This is in addition to the five security guards who have been deployed outside the suit property.

5. The Valuation Report has been placed before this Court by the Court Receiver dated 14 February 2025. A copy of the Valuation Report shall be made available to the parties in the proceedings at their cost. Liberty is granted to the parties to respond to the Valuation Report by filing their respective affidavits within a period of two weeks from today.

6. The payments for the additional security guards which are six in number to be provided by Escorts Protection Detection and Security Services upon their appointment, shall be initially borne by the Plaintiffs by depositing the advance with the Court Receiver within a period of one week from being communicated the estimate

of the advance. Thereafter, the issue as to who should bear the costs of the additional security personnel shall be determined by this Court upon hearing the parties.

7. The Court Receiver shall call for the current quotation of Escorts Protection Detection and Security Services for deployment of security guards and this shall be communicated to the Plaintiffs and Defendant No. 1.

8. The Court Receiver shall provide the unpaid electricity bills raised by Adani Electricity to the parties and in the event, these electricity bills are not paid by the next date, the Court Receiver shall take steps to disconnect the electricity connection at Trans Trade Centre.

9. The Court Receiver Report No. 28 of 2024 is adjourned for further consideration to 10 March 2025 at 02:30 p.m.

[R.I. CHAGLA, J.]