

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

**INTERIM APPLICATION NO. 3316 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 37098 OF 2024**

Anuj Bajaj & Anr. ...Applicants
V/s.
Cogoport Pvt. Ltd. & Ors. ...Respondents

**WITH
INTERIM APPLICATION (L) NO. 5331 OF 2025
IN
INTERIM APPLICATION NO. 3316 OF 2025
WITH
CONTEMPT PETITION (L) NO. 4586 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 37098 OF 2024**

Mr. Pratik Saksaria, Senior Advocate with Mr. Vedant Choudhary, Mr. Pratik and Mr. Shivam Laturiya i/b Shivam Laturiya for the Applicant.
Mr. Simil Purohit, Senior Advocate with Mr. Farah Khan and Mr. Amar Parab i/b Kalpesh Joshi Associates and Mr. Swapnil Khatri for the Respondent No.1.

Mr. Harshwardhan Melanta i/b M/s K. Ashar & Co. for the Respondent no. 2-HDFC Bank.

CORAM : ABHAY AHUJA, J.
DATE : 17th JULY, 2025

PC. :

Interim Application No. 3316 of 2025

1. This Interim Application filed by the Creditors seeks direction against the Judgment Debtor to discharge the debt of the Respondent No.3 in the bank account held with the Respondent No.2 being account no. 50200023245253 and to release the encumbrance created on the

two immovable properties viz. House No. 4910, DLF Phase IV, Gurugram, Haryana-122002 and Flat No. 604, 6th Floor, Tower No. T-5, Park View Residency, Gurugram, Haryana-122017 vide Deed of Mortgage dated 16th October, 2020 in terms of the award.

2. Mr. Saksaria, learned Senior Counsel appearing for the Applicant submits that the prayer Clauses (b) and (e) have been granted earlier and in terms thereof disclosure affidavits have also been filed.

3. Mr. Saksaria, learned Senior Counsel submits that main reason for circulating this Application and pressing for prayer Clause (a) is that the HDFC bank in pursuance of Notice under Section 13(2) of the The Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 (“SARFAESI Act”) is in the process of taking steps to take physical possession of the two residential properties, which are occupied by the Judgment Creditors along with their family members including their elderly parents who are 79 and 78 years aged.

4. Mr. Saksaria has submitted that there is no stay to the execution of the award dated 21st July, 2024, which directs the Judgment Debtors

to make payments to the Judgment Creditors which as on date amount to Rs. 44,74,02,661/- along with interest.

5. Mr. Saksaria concluded his arguments in support of the Interim Application.

6. Mr. Purohit, learned Senior Counsel seeks some accommodation in the matter and requests that the matter be listed tomorrow.

7. Since tomorrow this Court has almost 50 matters on board out of which there are 3 fixed matters, it would not be possible to accept Mr. Purohit's request.

8. However, learned Senior Counsel appearing in the matter have requested for 29th July, 2025.

9. Accordingly, list on **29th July, 2025 on the Supplementary Board.**

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2025.07.17
18:56:46
+0530

(ABHAY AHUJA, J.)