

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

INTERIM APPLICATION NO. 3550 OF 2024
IN
EXECUTION APPLICATION NO. 2805 OF 2024

Kotak Mahindra Bank

...Applicant

Versus

Prashant Sopan Shinde

...Respondent

- Ms. Bijal Gogri a/w Ms. Keertana Nair i/b Om Gurjar Law Chambers, for the Applicant.

CORAM : MANISH PITALE, J.

DATE : 05th MAY 2025.

P. C. :

1. In this application, the learned counsel for the applicant relied upon an affidavit of service, which shows that when the papers were sent to the sole respondent, the packet returned with the remark “unclaimed return to sender.” There is substance in the contention raised on behalf of the applicant that this ought to be treated as deemed service on the respondent.

2. The learned counsel for the applicant is pressing for ad-interim directions in terms of prayer clauses (b) and (h), which would assist this Court in execution of the award.

3. Having perused the papers filed in the present application and upon hearing the learned counsel for the applicant, this Court is inclined to grant such ad-interim reliefs.

4. Accordingly, there shall be ad-interim reliefs in terms of prayer

clauses (b) and (h), which read as follows :

- “(b) That this Honourable Court be pleased to direct the Respondent to jointly and or severally to file their comprehensively affidavits disclosing on oath the assets both movable and immovable held/owned by them, including details of all Bank accounts (with account numbers, Bank, Branch etc.) and all the amounts lying in the Bank accounts and also all debts and receivables payable by third parties to the Respondents with their precise and exact addresses within a period of 2 weeks from the date of the order or within such time as this may deemed fit by this Hon’ble Court as provided under Order 21 and Rule 41 of the Code of Civil Procedure, 1908 since the Decree/Award dated 05.11.2018 passed by the Learned Arbitral Tribunal has remained unsatisfied for more than 30 days from the date of its passing;*
- (h) That pending the hearing and final disposal of the Execution proceedings, this Hon’ble Court be pleased to order and direct the respondents/Judgement Debtor and its directors to file his/their Income Tax Returns for last Five years along with the Balance Sheet and profit and loss accounts.”*

5. The sole respondent is directed to file disclosure affidavit within six weeks from today.

6. List on **02nd July 2025**.

(MANISH PITALE, J.)