

Sharada

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

COURT RECEIVER REPORT NO.186 OF 2025
IN
SUIT NO.406 OF 2022

Prakash Kishenchand Sapra

...Plaintiff

Versus

Azalea Holiday Inn Private Limited and Ors.

...Defendants

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WAHULE

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Mr. Archit Jayaker a/w Ms. Hetal Jobanputra and Mr Mihir Kakade
i/b Jayakar & Partners for the Plaintiffs.

Mr. Anuj N. Narula a/w Ms. Meena Bhatta, Ms. Rahana Nulwala i/b
Jhangiani Narula & Associates for Defendant Nos.1 to 6.

Mr. N. C. Pawar, Court Receiver a/w Mr. S. S. Chopda, OSD present.

CORAM : R.I. CHAGLA J.

DATE : 4th August, 2025.

ORDER :

1. By this Court Receiver Report the court receiver is seeking directions as to steps to be taken for the Installation for CCTV camera system which has not been done due to unavailability of an electricity connection. Further direction is sought with regard to notice received from the system Assessor & Collector- H-East ward for non payment of municipal taxes of Rs.1,99,56,195/-.

2. The Court Receiver has referred to the directions issued by this Court vide Order dated 27th August 2024 directing the Court Receiver to take physical possession of the premises which is occupied by Defendant Nos. 6 and 13(a) to 13(d) and proceed with installation of CCTV and also engage the necessary security in respect of the said premises at the costs, charges and expenses of the Plaintiff. Pursuant thereto the Court Receiver took physical possession of the Rooms/Portion occupied by Defendant No.6 and Defendant No.13(a) to (d) on 11th September, 2024. Copy of site visit report dated 11th September 2024 has been annexed at Exhibit “G” to the Court Receiver’s Report.

3. The Court Receiver has submitted in the said Report that by consent of the Plaintiff, “Action Guard Force” security agency, was appointed for protection of the properties. The said security agency executed Agency Agreement dated 16th January 2025 with the Court Receiver which has been annexed at Exhibit “I” to the Court Receiver’s Report.

4. The Court Receiver has further stated in the Court Receiver’s Report that as far as Installation of CCTV is concerned, the

parties had not submitted quotation of charges for installation of CCTV. Thereafter with the consent of parties at the meeting held on 6th January, 2025, the Registry appointed “A One Infotech” for installation of CCTV Camera System at the suit property. The Representative of the Court Receiver on 28th January 2025 along with the representative/technical staff of “A One Infotech” visited the site for installation of CCTV. The representative of Defendant No.2 Mr. Premshankar Yadav, who was present at suit site informed that, there were 6 electric meters out of which 1 electric meter was taken away by the electricity company due to non payment of the electricity bill. He further informed that, two meters were closed. Hence, the work of CCTV camera installation at the suit Property was not carried out successfully. The Court Receiver was informed that electricity connection is required for installation of the CCTV camera system by the technical person from “A One infotech”.

5. It is further stated that the Registry has received electricity bill from Advocate for Adani electricity, Mumbai addressed to M/s JRTS Charitable Trust for recovery of electricity dues requesting to clear the entire electricity dues. The electricity bill was forwarded to the Defendants for their say.

6. The Court Receiver Report has referred to the Order dated 4th January 2024 by which with permission of the Court Receiver the Plaintiff and Defendants were permitted to create interest in the Suit Property. The Court Receiver was to supervise the arrangement so worked out and if any amount is to be received from such an arrangement, which may include rent etc. the same was to be deposited in a separate account and the receivables used to clear the tax liability, with the consent of the plaintiff and the Defendant Nos. 1 and 2.

7. It is further stated in the said Court Receiver Report that the Registry had received notice dated 21st January, 2025 from Assistant Assessor and collector H/ East Ward, Assessment and collection Department, Santacruz, Mumbai for recovery of arrears of Municipal taxes amounting to Rs.1,99,56,195/- in respect of the suit property and requested payment of the outstanding dues in 21 days.

8. It is stated in the Court Receiver Report that the Registry had by letter dated 10th March, 2025 requested the Plaintiff and Defendant Nos. 1 and 2 to take note of the notice received by the Registry and also affixed it on the suit property for recovery of

Municipal Charges and take necessary action.

9. Mr. Jayakar, learned Counsel appearing for the Plaintiff states on instructions that the Plaintiff shall make payment of outstanding electricity bill addressed by Adani Registry, Mumbai to M/s J.R.T.S. Charitable Trust. This shall be without prejudice to the proceedings which the Plaintiff may adopt for challenging the electricity bill. This statement is accepted.

10. In view of the above statement the Plaintiff shall make payment of the outstanding electricity bill addressed by Adani Registry, Mumbai to M/s J.R.T.S. Charitable Trust. Upon the electricity being reconnected, the Court Receiver through “A One Infotech” shall install the CCTV camera system as per Order dated 27th August, 2024.

11. With regard to the second direction sought by Court Receiver, Mr. Narula, learned Counsel appearing for the Defendant Nos.1 to 6, states that a writ petition has been filed by the Defendants challenging the demand for payment of municipal / property taxes of Rs.1,99,56,195/- raised by the Assistant Assessor

and Collector H/East Ward. He has submitted that any direction for payment of the alleged outstanding taxes will require to await the outcome of the writ proceedings.

12. In view thereof, the second direction sought in para 18(b) of the Court Receiver Report is not issued.

13. The cost of this report is awarded in the sum of Rs.5,000/- and the same shall be debited from the funds available in the suit account.

14. The Court Receiver Report No.186 of 2025 is disposed of.

15. At this stage, after disposal of the Court Receiver Report, Mr. Jayakar states that directions may be issued to Defendant No.2 in respect of the suit property which he is in occupation inspite of not having any right to so occupy. He has submitted that Defendant No.2 is not a Director of the Defendant No.1 company. He states that an Application shall be taken out seeking appropriate direction against Defendant No.2 including for either payment of rent and/or royalty.

16. It is pertinent to note that by an Order dated 1st July 2024 passed by this Court liberty had already been granted to the Plaintiff to take out the aforementioned application. The Plaintiff accordingly may take out the said Application seeking payment of rent and/or royalty or for such other relief as the Plaintiff may so desire against the Defendant No.2 and/or the son of Defendant No.2. In the event such Application is taken out, the same shall be listed on 13th August 2025.

[R.I. CHAGLA J.]