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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COURT RECEIVER'S REPORT NO. 446 OF 2025

IN

SUIT NO. 98 OF 2013

D.N. Nagar Deep CHS Ltd. ... Plaintiff

Versus

Shree Shubh Enterprises and others ... Defendants

.....
Mr. Mohit Jadhav alongwith Ms. Kajal Chourasia, Ms. Khushbu Singh
and Mr. Manish Shirke, Advocate for the Plaintiff.

Ms. Nandini Deshpande, 1st Assistant to the Court Receiver, present.

.....

CORAM : ABHAY AHUJA, J.

DATE : 15 OCTOBER 2025

PC. :

1. This Court Receiver's Report seeks approval of the schedule of sale fixed in the parties meeting dated 8th October 2025.

2. A perusal of the report indicates that earlier by order dated 10th February 2016, the Court Receiver, High Court, Bombay was appointed as a Receiver in respect of the Flats No.B-201, B-205, B-401 and B-405 situated in the building known as D.N. Nagar "Deep" Co-operative Housing Society Ltd., Andheri (West), Mumbai – 400 053 with direction to sell all the four flats and submit report.

3. It has been stated in the said report that accordingly the Court Receiver sold Flats No.B-201, B-401 and B-405, except Flat No.B-205 (the “said flat”). That the Registry made an attempt to sell the said flat by public auction, but the same failed, due to non-cooperation of the Plaintiff-Society. It has been stated in the report that by order dated 7th April 2025, the Court Receiver was directed to revise the schedule for the sale in respect of the unsold flat No.B-205. That thereafter meeting was held on 3rd June 2025 and the Advocate for the Plaintiff had submitted that he has published a public notice on 9th May 2025. However, since no purchaser came forward for inspection and the Plaintiff had submitted that he would make an application for sale by private treaty.

4. Since no order had been obtained with respect to the sale of the said Flat No.B-205 by private treaty, by order dated 19th September 2025 this Court had directed the Court Receiver to make another attempt for sale by public auction.

5. It has been stated in the report that accordingly, the Registry had fixed a meeting on 29th September 2025, but the same was

adjourned to 8th October 2025. In the parties meeting held on 8th October 2025, the following schedule for auction sale has been fixed and the draft of the terms and conditions and the public notice annexed to the report have been approved :

Sr.No.	Particulars	Date
1	Date of Publication of Public Notice	27.10.2025
2	Name of Newspapers	1. 'Free Press Journal' in English 2. 'Navshakti' in Marathi
3	Date of Inspection	04.11.2025 11.00 a.m. to 5.00 p.m.
4	Earnest Money Deposit	30,00,000/-
5	Last date to submit offers	11.11.2025 upto 4.00 p.m.
6	Bids will be opened before the Hon'ble High Court	18.11.2025 at 3.00 p.m.

6. It has been requested that the public notice containing the aforesaid schedule be permitted to be published in two newspapers.

7. Mr. Mohit Jadhav, who is the Advocate on record for the Plaintiff-Society, appears and submits that the said schedule, the terms and conditions and the notice have been finalized at the parties meeting on 8th October 2025 where two committee members i.e. Mr. Nair and Mr. Gujrati were present.

8. Mr. Jadhav however submits that only on 13th October 2025 evening he has received e-mail request from the Plaintiff-Society to give NOC in the matter and that he has by e-mail given NOC in the matter. However, since Mr. Jadhav is still on record and there is no other Advocate representing the Plaintiff-Society and the Court Receiver's Report clearly indicates that there was a parties meeting on 8th October 2025 and it has been stated by Mr. Jadhav that the aforementioned two committee members were also present at the time when the schedule was fixed and the draft of the terms and conditions and the public notice were approved, this Court is of the view that the Court Receiver's Report be allowed in terms of prayer clauses (A) and (B), which read thus :

(A) The Hon'ble Court may be pleased to approve the schedule of sale fixed in the parties meeting dated 8th October 2025.

(B) Cost of this report may be quantified at Rs.5000/- and Plaintiff Society may be directed to deposit the said amount with the Court Receiver.

9. The Plaintiff and its members are directed to co-operate with the Court Receiver in the matter and bear costs, charges and expenses of the report and the publication.

10. Let the Plaintiff-Society make payment of costs of this report, within a period of three weeks.
11. List on **18th November 2025 at 3.00 p.m.** for opening of bids with respect to the public auction of the said Flat No.B-205 in D.N. Nagar “Deep” Co-operative Housing Society Ltd., Andheri (West), Mumbai – 400 053.
12. The Court Receiver’s Report accordingly stands disposed.

(ABHAY AHUJA, J.)