

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

COMMERCIAL EXECUTION APPLICATION NO.85 OF 2025

SANJAY RAMHARI DHOTE AND ANOTHER)...APPLICANTS

V/s.

KARLA FARMS AND OTHERS)...RESPONDENTS

Ms.Sana Wasim a/w. Mr.Yashowardhan Dixit, Ms.Yashita Bhardwaj i/by
MZM Legal LLP, Advocate for the Applicants.

Mr.Tushad Cooper, Senior Counsel, through Video Conferencing a/w.
Mr.Harshvardhan Melanta and Mr.Devik Ashar i/by M/s.K. Ashar & Co.,
Advocate for the Respondents.

Mr.Dushyant Pagare, Advocate for the Auction Purchaser.

Mrs.Chandan J. Bhatt, Official Assignee/ Court Commissioner present
in Court.

CORAM : ABHAY AHUJA, J.

DATE : 9th DECEMBER 2025

PC. :

1. This matter has been listed at 3.30 p.m. today for considering the report of the Court Commissioner appointed by this Court to confirm the auction sale of two properties viz. Gut No.487, situated at Old Mumbai Pune Highway, Karla, Maval, Pune and Gut No.112 situated at at Old Mumbai Pune Highway, Deoghar, Maval, Pune (the “said properties”).

2. When the matter is called out, learned Court Commissioner, Mrs.Chandan Bhatt, appointed by this Court has submitted that as contained in the report, pursuant to the schedule of auction and terms and conditions, as approved by the parties, one offer / bid has been received with respect to the said properties along with the earnest money of Rs,3,60,00,000/- on the reserve price of Rs.36,00,00,000/- and that this Court confirm the sale, subject to the balance payment by 5th January 2026 and requests that upon payment of the balance amount, the possession of the subject properties be handed over to the successful bidder in accordance with the terms and conditions of the auction sale.

3. Mrs.Chandan Bhatt has submitted that expenses have been incurred by her for the Clerk which may be reimbursed to her. The Commissioner has submitted that, since a sum of Rs.13,000/- has been collected from the intending buyers for providing copy of the terms and conditions of auction sale, this Court may also give directions with respect to the said amount.

4. It is also submitted that, the Court Commissioner be permitted to hand over the Demand draft of the Earnest Money deposit of

Rs.3,60,00,000/- to the Respondent viz. Karla Farms along with original / certified / photocopy of the title deeds submitted by the Applicant and the Respondents before the Court Commissioner to the Advocate for the Respondents for further process. It is also submitted that, the costs for conducting the auction of the said properties and also of the Clerk be quantified and directions to pay the same be given.

5. Mr.Dushyant Pagare, learned Counsel, appears for the successful bidder viz. M/s.Regency Hospitality Services Private Limited and submits that the balance amount of Rs.32,40,00,000/- would be paid by 5th January 2026 and that this Court, subject to the same, confirm the sale in favour of the successful auction bidder.

6. Mr.Cooper, learned Senior Counsel, appears for the Respondents and expresses a concern with respect to the stamp duties and other charges that would be payable in respect of the two agreements / conveyance deeds that would have to be entered into by the Respondents with the successful auction bidders.

7. Mr.Dushyant Pagare appearing for the auction purchaser and Ms.Sana Wasim for the Applicant draw this Court's attention to

paragraph 20 of the Terms and Conditions of the auction sale and submit that all the expenses, outgoings, rates and duties relating to the sale / transfer of the two agricultural land parcels including Stamp duty, Registration, Nazrana/Premium, Collector charges and other legal charges, if any, shall be borne by the successful bidder and only pending property taxes till the date of the auction viz. 5th January 2026 would be paid by the Respondents.

8. I have heard the learned Senior Counsel / Counsel for the parties as well as the Court Commissioner and also perused the report placed before this Court seeking the following directions :

(A) The offer of a sum of Rs.36,00,00,000/- (Rupees Thirty Six Crores only) received from Bidder M/s.Regency Hospitality Services Pvt. Ltd. for purchase of Auction property viz. Agricultural plots being Gut No.487, situated at Karla, Maval, Pune and Gut No.112 situated at Deoghar, Maval, Pune may be accepted and confirmed.

(B) If aforesaid directions at "A" is affirmative, then sale of auction property as above be confirmed and Successful Bidder M/s.Regency Hospitality Services Pvt. Ltd. be directed to comply with the other obligations under the terms and conditions of Auction sale in respect of aforesaid auction property.

(C) The Court Commissioner may be permitted to hand over demand draft of Earnest Money deposit (EMD) of a sum of Rs.3,60,00,000/- (Rupees Three Crore Sixty Lakhs Only) in favour of Karla Farms and original / certified / photocopy and documents submitted by the Applicant and Respondents before Court Commissioner to the Advocate for the parties to the proceedings for further process.

(D) Necessary directions may be issued to the Court Commissioner in respect of a sum of Rs.13,000/- (Rupees Thirteen Thousand Only) collected from intending buyers for providing copy of terms and conditions of auction sale.

(E) Parties to the proceedings may be directed to make payment of a sum of Rs.3824/- (Rupees Three Thousand Eight Hundred Twenty Four Only) paid by Court Commissioner for expenses to Mr.Mahendra Bhoir, Clerk for his visit at site at the time of site inspection including one night stay.

(F) Cost for conducting auction of subject property by Court Commissioner on both the occasions and Mr.Mahendra Bhoir, Clerk who assisted to the Court Commissioner may be quantified and parties be directed to pay the same.

9. Considering the submissions made, the auction sale of the said properties viz. Gut No.487, situated at Old Mumbai Pune Highway, Karla, Maval, Pune and Gut No.112 situated at at Old Mumbai Pune Highway, Deoghar, Maval, Pune, to M/s.Regency Hospitality Services Private Limited is confirmed, subject to payment of the balance amount of Rs.32,40,00,000/- by 5th January 2026.

10. The aforesaid confirmation is also subject to payment of costs of the Court Commissioner Mrs.Chandan Bhatt and her Clerk Mr.Mahendra Bhoir respectively quantified at Rs.3,00,000/- and Rs.50,000/- to be paid by the Applicant and the Respondents within a period of two weeks.

11. As regards the expenses of the Clerk of Rs.3824/- paid for the Court Commissioner, the same be reimbursed to the Court Commissioner from the sum of Rs.13,000/- that has been collected for providing copy of terms and conditions to the intending purchasers. The balance amount remaining from Rs.13,000/- after reimbursement of expenses of Rs.3824/- be deposited in the account of the Respondent no.1 viz. Karla Farms.

12. The Court Commissioner to hand over the Demand draft of Earnest Money deposit of Rs.3,60,00,000/- in favour of Karla Farms to the Advocate for the Respondents to be deposited in the account of Karla Farms. Let the original / certified / photocopy and documents submitted by the Applicant and Respondents before Court Commissioner also be handed over to the Advocate for the Respondents.

13. Mr.Dushyant Pagare, learned Counsel for the auction purchaser submits that since prior to execution of the Sale deed / Conveyance deed, adjudication will have to be done by the Stamp Authorities and stamp duties paid and also Collector's permission would be required, and therefore, this Court may direct the authorities to co-operate with the auction purchaser. The concerned Stamp authorities as well as the concerned Collector to co-operate with the auction purchaser as well as the concerned parties in order to maintain the timelines as per the terms and conditions of the auction sale.

14. The Commercial Execution Application as well as the Court Commissioner's Report, accordingly, stand disposed in the above terms.

(ABHAY AHUJA, J.)