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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 2680 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 46 OF 2025

Vikas Enterprise

... Applicant

Versus

Maharashtra Rajya Sahakari Dudh Mahasangh Maryadit... Respondent

.....

Ms. Mitali Shahane alongwith Mr. Vinod Kothari and Mr. Mahender Rahlam instructed by M/s. Apex Law Partners, Advocate for the Applicant.

Ms. Rupali Deshpande alongwith Mr. Sandesh Deshpande, Advocate for the Judgment Debtor.

.....

CORAM : ABHAY AHUJA, J.

DATE : 18 JULY 2025

PC. :

1. Ms. Deshpande, learned Counsel, appears for the Judgment Debtor and submits that she has taken instructions from her client who has informed her that the Award in the matter is being challenged and the Arbitration Petition will be filed within a week.

2. Ms. Shahane, learned Counsel, appears for the Applicant and submits that 120 days period to challenge the Award is already over and this Court may proceed with the Application.

3. It is observed that on 20th June 2025, this Court had directed the Judgment Debtor to take instructions as to when the amounts due to the Applicant could be paid.

4. However, today this Court is being informed that within a week the Award will be challenged.

5. Ms. Shahane submits that today there is neither any application challenging the Award filed nor is there any stay and therefore, this Court may at least grant disclosure in terms of prayer clause (a).

6. It is observed that the Award is dated 18th October 2024. The time to challenge an Award in respect of a commercial dispute is 120 days. Unless the Judgment Debtor can demonstrate that they have not yet received the Award or the period of 120 days is still not over, the challenge to the Award cannot be sustained. In any event, no harm would be caused in directing disclosure in the matter as in any event the Applicant has not yet been paid nor is there any stay on the execution of the Award. Accordingly, this Court directs the Respondent to make disclosure under an Affidavit in terms of prayer clause (a), which reads thus :

(a) That pending hearing and final disposal of the above Commercial Execution Application and

this Interim Application, this Hon'ble Court may be pleased to direct the Respondent to file an Affidavit disclosing on oath all its assets and properties, moveable and immoveable, secured and unsecured including bank accounts held by the Respondent, along with its duly audited/certified balance sheet and Profit and Loss Account as filed with the statutory authorities for the past three (3) years, public deposits, fixed deposits, shares either in physical or demat form, debentures or securities held by the Respondent within such time as may be fixed by this Hon'ble Court.”

7. Let the Affidavit of disclosure on oath in terms of prayer clause (a) be filed by the Respondent within a period of four weeks.
8. List on **25th August 2025**.

(ABHAY AHUJA, J.)