

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 2844 OF 2025
IN
COMMERCIAL IP SUIT NO. 91 OF 2023**

Evervital Lifesciences Private Limited ...Applicant

In the matter of

Septalyst Lifesciences Private Limited ...Plaintiff

Vs.

Evervital Lifesciences Private Limited ...Defendant

WITH

COURT RECEIVER REPORT NO.42 OF 2023

WITH

INTERIM APPLICATION (L) NO.37664 OF 2022

WITH

INTERIM APPLICATION (L) NO.6179 OF 2023

Mr. Pramod Kathane a/w Mr. Amol Ghurde for Applicant.

Mr. Subhradeep Banerjee i/b Mr. Sudhakar Pandaram for Plaintiff.

CORAM : ARIF S. DOCTOR, J.

DATE : 25th AUGUST, 2025.

P.C.

1 The captioned Interim Application is filed by the Defendant and seeks the following interim reliefs:

“a. This Hon'ble Court may be pleased to vary an ex-parte ad-interim order dated 09.12.2022 to the extent of appointment of Court Receiver.

b. This Hon'ble Court may be pleased to direct Ld. Court Receiver appointed under ex-parte ad-interim order dated 09.12.2022 to transfer the custody of the seized goods medicine to the Applicants after removing the seal, and further permit the Applicants to disposed of expired medicines as per the guidelines framed by Drug Authority of India in these behalf;"

2 Learned Counsel appearing on behalf of the Applicant/Defendant submits that since the goods in question were medicinal products, some of which had expired after the date on which the exparte ad-interim order was passed. This Court had vide order dated 5th August 2025 noted as follows.

"1. By order of 8th July, 2025 this Court had directed the Court Receiver to visit the Defendant's location at Kalyan and make an inventory along with representative of the Plaintiff and representative of the Defendant. Today this Court is informed that the Court Receiver did not visit the location and did not carry out inventory as the order did not specifically provide for de-sealing and resealing of the seized goods after inventory has been done.

2. The Court Receiver is directed to visit the Defendant's location at Kalyan on 13th August, 2025 at 11:00 a.m. and de-seal the seized goods and carry out an inventory as regards the medicines which have expired and thereafter to reseal the seized goods. The report to be submitted to this Court on 14th August, 2025.

3. As far as the location at Indore, Madhya Pradesh is concerned the same direction would apply to the Additional Special Receiver who is named in the order of 8th July, 2025.

4. The Additional Special Receiver to carry out the same exercise on 20th August, 2025 and submit a report on 21st August, 2025. For the purpose of ensuring compliance of the inventory being carried out at Kalyan location, list the Application for further consideration on 14th August, 2025 (Direction).

5. All concerned to act upon copy of this order digitally signed by the Personal Assistant of this Court."

2 Learned Counsel then invited my attention to the order dated 14th August 2025, by which this Court directed as follows.

“1. By order dated 5th August, 2025, the Court Receiver was directed to visit the Defendants' location at Kalyan and to de-seal the seized goods for the purpose of carrying out an inventory as regards the expired medicines. Subsequent thereto, the Court Receiver has submitted a report dated 13th August, 2025, which is taken on record. The Court Receiver has prepared an inventory of the expired medicines which is at page Nos.5 and 6 of the Court Receiver's Report. The Court Receiver's Report also indicates that the Court Receiver has retained samples of the inventory goods in one sealed carton in the presence of the representatives of the Plaintiff and the Defendants.

2. The Court Receiver is directed to hand over the retained samples which are duly sealed to the Plaintiff on "superdari". Insofar as the expired medicines are concerned, the Court Receiver is directed to hand over the same to the representatives of Mediwest Product Pvt. Ltd., which is an external agency chosen by the Defendant for the purpose of destruction of the expired medicines. The exercise to be carried out on 20th August, 2025 at the Defendants' location at Kalyan at 11.00 a.m.

3. Stand over to 25th August, 2025, under the caption for "direction".

4. If the expired medicines have been destroyed by Mediwest Product Pvt. Ltd. by the next date, the Defendant to produce the certificate of destruction on record on the next date.”

3 Learned Counsel, today, however pointed out that the order dated 14th August 2025 could not be acted upon since the same was uploaded after 20th August 2025. It is in these circumstances that today the Learned Counsel seeks extension of time as granted by the order dated 14th August 2025, so as to (i) enable the Court Receiver to hand over the expired medicines to the Defendant and (ii) that the ASR to take further steps in terms of the order

dated 8th July 2025.

4 Having due regard to the submissions made before me as also there is no dispute with regard to the directions sought, I accordingly pass the following order:

(i) Time granted to the Court Receiver vide order dated 14th August 2025 is extended by a period of three weeks from today.

(ii) The ASR shall take all further steps in compliance with the order dated 8th July 2025 and submit his report within a period of three weeks from today.

5 List the matter for further consideration on 22nd September 2025.

[ARIF S. DOCTOR, J.]