

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

INTERIM APPLICATION NO.2844 OF 2025

WITH

INTERIM APPLICATION (L) NO.37664 OF 2022

WITH

INTERIM APPLICATION (L) NO.6179 OF 2023

IN

COMMERCIAL IP SUIT NO.91 OF 2023

WITH

COURT RECEIVER'S REPORT NO.42 OF 2023

Evervital Lifesciences Private Limited

...Plaintiff

Versus

Septalyst Lifesciences Private Limited and Ors.

...Defendants

Mr. Amol Ghurde a/w. Mr. Krishna Dhere h/f. Mr. Pramod Kathane, for the Applicant in IA No.2844 of 2025.

Mr. Subhradeep Banerjee a/w. Mr. Sudhakar Pandaram, for the Plaintiff.

Mr. Deepak Bhalerao, 2nd Asstt. to C.R present.

CORAM : ARIF S. DOCTOR, J.

DATE : 22nd SEPTEMBER, 2025

P.C

1. Matter is today on the board in the backdrop of the order dated 25th August, 2025 passed by this Court. This Court, after hearing submissions of learned counsels on the previous date, inter alia, directed as follows:

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.

2. The Court Receiver has today placed before me the Typed Site Report of the Additional Court Receiver appointed in respect of mediawaste products which were lying at Indore, Madhya Pradesh. The report, inter alia, records as follows :

6] The impugned goods were in sealed condition and same was confirmed by Plaintiff's representative Mr. Ashish Sharma. I took photographs on my mobile phone. Also photographs and videos were taken by Mr. Vyas, the professional photographer arranged by Mr. Prashant Jain. Thereafter, as per order of the Hon'ble Court, I de-sealed the seized goods and carried out an inventory as regards to the medicines which have expired. Due to the large quantity of goods, at my request, Mr. Prashant Jain arranged for his office staff, namely Mr. Raja Kadam, Mr. Akash Sarya and Mr. Karan Kushwa to assist in the process.

7] Upon inspection, it was found that all the medicines inventoried had expired in the year 2024. I have retained samples of the inventoried expired goods and have placed in a separate carton in the presence of both representatives. After preparing the inventory of expired goods, the impugned goods were re-sealed, and possession boards were affixed onto the cartons. Mr. Prashant Jain, on behalf of the Defendants, provided an assurance to safeguard the inventoried goods. I prepared site report which was, read, confirmed and duly signed by the representative of Plaintiff as well as Defendants company. Photocopies of the signed report were provided to the representatives of the Plaintiff and the Defendants.

Furthermore, the report also has inventory of the product that were found by the ASR.

3. Additionally, the Court Receiver has placed before me a Typed Site Report dated 10th September, 2025 in respect of the medi-waste products which were found in Kalyan. The report, inter alia, set out as follows:

5] The impugned goods were in sealed condition and same was confirmed by all present persons. Thereafter, as per order of the Hon'ble Court, I handed over the retained sample of impugned goods to Mr. Ganesh Mistri, Dispatch Manager of Plaintiff on "Superdari" and on "As is where is basis" and "As is what is basis". Mr. Ganesh Mistri ensured that, he will safeguard the retained samples till further order.

6] Thereafter, as per order of the Hon'ble Court, I De-sealed the inventoried seized expired medicines and handed over to Mr. Bhupendra Maurya, Operation Manager of Defendant No.1 and Mr. Bhupendra Maurya handed over the same to Mr. Pramod Bandhe, Marketing Manager of Mediawaste Products Pvt. Ltd. for the purpose of destruction of the expired medicines. Mr. Pramod Badhe informed to me that, he will destroyed the expired medicines within 10 to 12 days at Ghatkopar. He further inform that he will provide the Certificate of Destruction to Mr. Bhupendra Maurya. Thereafter, I requested Mr. Bhupendra Maurya to submit the copy of "Certificate of Destruction" to the office of the Court Receiver. Thereafter, Mr. Pramod Badhe lifted the expired medicines in one tempo bearing Registration No. MH-05-EL-5844 and shifted to Ghatkopar for destruction.

4. There is no inventory separately appended to this report. Since I am informed that all the medicinal products which were seized had expired. The Court Receiver informs me, in so far as the products which were seized and located at Kalyan, the same have been destroyed. In so far as the products which were seized and located at Indore, Madhya Pradesh, the same would now to be handed over to Plaintiff for destruction.

5. In this view, in so far as the products which were lying at Indore,

Madhya Pradesh let the same be handed over to 'Hoswin Incinerator Private Limited, Indore, Madhya Pradesh.' for destruction after retaining a few sample product with the Plaintiff.

6. Mr. Ajinkya Pandere, Additional Court Receiver is accordingly directed to do the following:

(i) To retain few samples with the Plaintiff of medi-waste products which have been found and located at Indore, Madhya Pradesh. and the balance products be handed over to 'Hoswin Incinerator Private Limited, Indore, Madhya Pradesh' to enable its destruction.

7. Since nothing survives in the Interim Application, the learned counsel submits that on the next date they shall file the consent terms by which the entire controversy would put to an end.

8. At the joint request, stand over to 13th October, 2025.

[ARIF S. DOCTOR, J.]