

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

INTERIM APPLICATION NO. 3080 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 8439 OF 2025

KALPANA STRUCT-CON PVT. LTD.)...APPLICANT

V/s.

SHAH GROUP BUILDERS AND INFRAPROJECTS)
LIMITED)...RESPONDENT

WITH
COMMERCIAL EXECUTION APPLICATION (L) NO. 16973 OF 2023

Mr.Amogh Singh a/w. Mr.Nishant Chotani, Mr.Pratik Poojary i/by Pratik
Amin Associates, Advocate for the Execution Applicant.

None for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 7th JULY 2025

P.C. :

1. Mr.Amogh Singh, learned Counsel, appears for the Execution Applicant and submits that despite consent terms having been filed by the Respondent, there has been no compliance and the obligations of the Respondent under the consent terms still remain pending. That, notice of this application in the Execution Application has already been served upon the Respondent on 4th July 2025 and yet there has been no compliance. That, this Court not only direct disclosures but also an

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injunction restraining the Respondent from dealing with their properties as there is an apprehension that the Respondent may be in the process of alienating / creating third party interest in respect of their assets.

2. Mr.Singh has taken this Court through the consent terms that were filed on 9th May 2024 and it is observed that earlier two properties were to be transferred along with possession to the Applicant, failing the said transfer, the Respondent was to pay Rs.4 crores and failing the payment of Rs.4 crores, the Respondent was to make payment of Rs.8 crores. That, none of the said obligations have been complied with and now the Respondent has even stopped appearing.

3. None appears for the Respondent though served.

4. Having heard the learned Counsel and having considered the submissions, this Court is of the view that the Respondent be directed to make disclosures in terms of prayer clause (a) which reads thus :

“(a) that pending the hearing and final disposal of the Execution Application, this Hon'ble Court be pleased to pass an order under Order XXI Rule 41 of the Code of Civil Procedure, 1908 directing the Respondent to disclose on oath,

all its assets, bank accounts and properties (movable and immovable, tangible and intangible) owned by the Respondent.”

5. Let affidavit of disclosure on oath in terms of prayer clause (a) be filed by the Respondent within a period of four weeks.
6. List on **11th August 2025**.
7. Until the next date, the Respondent is directed not to in any manner, whatsoever, deal with dispose of any of their assets/properties, movable or immovable, tangible or intangible.
8. Let a copy of this order be served upon the Respondent and an appropriate affidavit of service be filed.
9. Let objections to the Commercial Execution Applications positively be removed by the next date.

(ABHAY AHUJA, J.)