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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COURT RECEIVER'S REPORT NO. 517 OF 2024

IN

COMMERCIAL EXECUTION APPLICATION (L) NO. 16273 OF 2023

Cherag Shah

... Applicant

Versus

Harshwardhan H. Sabale and another

... Respondents

WITH

COURT RECEIVER'S REPORT NO. 112 OF 2025

COURT RECEIVER'S REPORT NO. 104 OF 2025

COURT RECEIVER'S REPORT NO. 174 OF 2024

INTERIM APPLICATION NO. 3229 OF 2024

IN

COMMERCIAL EXECUTION APPLICATION (L) NO. 16273 OF 2023

WITH

INTERIM APPLICATION NO. 3320 OF 2025

IN

INTERIM APPLICATION NO. 3229 OF 2024

WITH

COMMERCIAL EXECUTION APPLICATION (L) NO. 16273 OF 2023

WITH

SHOW CAUSE NOTICE (L) NO. 26194 OF 2024

IN

INTERIM APPLICATION NO. 3229 OF 2024

.....

Mr. Anurag R. Mishra instructed by Mr. Suraj Naik, Advocate for the Applicant.

Mr. Anukul Seth alongwith Ms. Kirti Ojha, Mr. Vijay Salokhe and Ms. Juhi Bhayani instructed by BLAC Co. for the RBI in IA-3229-2024.

Mr. Yash Badkur alongwith Mr. Rehaan Shaikh, Advocate for the Judgment Creditor.

Ms. Ruchi Kakkad instructed by Integrum Legal, earlier Advocate of the Judgment Debtor.

Mrs. Nandini Deshpande, 1st Assistant to the Court Receiver.

.....

CORAM : ABHAY AHUJA, J.

DATE : 15 JULY 2025

PC. :

1. When these matters were called out in the morning session, since none appeared for the Judgment Creditor or for the Judgment Debtor, the matters were kept back.

2. In the afternoon session, when the matters are called out again, one Mr. Badkur, learned Counsel appears and submits that he is appearing for the Judgment Creditor and that he has been recently appointed and some time be granted to take appropriate instructions in the matter.

3. Ms. Kakkad, learned Counsel, appears for the earlier Advocate for the Judgment Debtor and submits that they no longer represent the Judgment Debtor. It is observed from the causelist that, one Mr. Vikas Sharma has filed his vakalatnama for the Judgment Debtor. However, neither he nor any one appears for the Judgment Debtor.

4. One Mr. Yuvraj Salvi, Assistant Police Inspector, Versova Police Station was present in Court in the morning session on behalf of the Police Department. However, he is no longer present when the matter is called out in the afternoon session. When this Court has expressed

displeasure on his absence, he has presented himself after the second session is over.

5. This Court had on 27th June 2025 directed that a report with respect to the execution of the red corner notice against the Judgment Debtor No.1 be placed before this Court.

6. The learned Associate has furnished a service report dated 14th July 2025 of bailable warrant of arrest.

7. The said report records that pursuant to a reminder sent by the office of the Prothonotary & Senior Master on 4th July 2025 to the Commissioner of Police, Mumbai, a report dated 11th July 2025 has been received from the Police Inspector, Versova Police Station, Mumbai. It has been submitted that the Police Officials of Versova visited the address of the Respondent No.1 situated at 3rd Floor, Plot No.244/A, RDP 2, CTS 1374/B Versova, S.V.P. Nagar, Four Bungalows, Andheri West, Mumbai 400 053, however, the said premises was found to be closed and the Respondent No.1 was not found at the said address. That upon making enquiry with Mr. Nandkumar Chougule, owner of the said premises, it was revealed that the premises had been rented to Mr. Harshvardhan Sable, Judgment Debtor No.1 for commercial purposes for a period of three years. The said owner had further stated that the Respondent No.1 had not been seen for several

days and his current whereabouts were unknown. It is stated in the report placed before this Court by the Prothonotary & Senior Master that based on further intelligence, it was revealed that the Judgment Debtor No.1 may be operating or residing in the State of Goa. That on 7th October 2024, the police officials of Versova Police Station had visited the Halalnora Village, which was the previous known residence of the Judgment Debtor No.1, where Mr. Anthony Pal, caretaker of the premises was questioned. The said caretaker had informed that the Judgment Debtor No.1 may be hiding in the beach belt areas of Anjuna, Calangute, Baga, Arpora and Vagator. It has been stated that the Police officials conducted search operation but the Judgment Debtor No.1 could not be traced.

8. It is further stated in the said report that the Judgment Debtor No.1 has been named as a wanted accused in two criminal cases registered with the Economic Offenses Wing, Mumbai. During the investigation of F.I.R. No.13 of 2024, it has been revealed that the said accused arrived in India on 9th April 2024 using Indian Passport No.Z5784410 and the passport was impounded by the Regional Passport Office, Mumbai on 10th April 2024 in accordance with the applicable provisions of law. It has been stated that in the light of the impounding of the passport of the Judgment Debtor No.1, the

Judgment Debtor No.1 is restrained from leaving the country and hence, the issuance of the Red Corner Notice does not appear to be warranted. It has been stated in the report of the Prothonotary & Senior Master that therefore the Red Corner Notice issued against the Respondent No.1/Judgment Debtor No.1 has remained unexecuted.

9. In the light of the said report, this Court is of the view that it would not be necessary to execute the Red Corner Notice and the said notice be discharged for the time being.

10. This Court however directs the Senior Police Inspector of Versova Police Station as well as the Commissioner of Police, of both Mumbai and Goa, to apprehend the Judgment Debtor No.1 as soon as possible, so that his presence can be secured before this Court on the next date as the Judgment Debtor No.1 continues to remain absent despite orders of this Court in complete deliberate and willful breach of several orders of this Court.

11. Let a report also be placed before this Court within a period of two weeks by the Commissioner of Police, Mumbai as well as the Commissioner of Police, Goa as to the course of action and the steps that are being taken to apprehend the Judgment Debtor No.1.

12. This Court had also directed removal of office objections and also consequences of failure to do so.

13. Mr. Mishra, learned Counsel, appearing for the Applicant submits that objections to the Interim Application (L) No.7286 of 2025 have been removed and registered number is Interim Application No.3320 of 2025 is obtained.

14. The Execution Applicant however seeks some more time to remove office objections, submitting once again that he has just come on record.

15. Let office objections to the Commercial Execution Application (L) No.16273 of 2023 positively be removed within a period of two weeks and registered number be obtained, failing which this Court will be constrained to dismiss the Execution Application.

16. Mr. Mishra, learned Counsel, appears for the Applicant in Interim Application No.3320 of 2025 also submits that since the matter before the NCLT has been adjourned to 31st July 2025 in view of the absence of representation on behalf of the Judgment Debtor No.1, this Court may list the matter after 31st July 2025.

17. List on **6th August 2025**.

18. The Judgment Debtor No.1 to positively remain present in Court on the next date.

19. Let the representative of the Police Department as well as Public Prosecutor also to remain present in Court on the next date to

assist the Court.

(ABHAY AHUJA, J.)