



Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

CHAMBER SUMMONS NO. 222 OF 2017

IN

COMM EXECUTION APPLN (L) NO. 88 OF 2017

WITH

COURT RECEIVER'S REPORT NO. 55 OF 2019

AND

CHAMBER SUMMONS NO. 93 OF 2019

AND

CHAMBER SUMMONS (L) NO. 549 OF 2019

Vistra ITCL (India) Ltd

...Applicant

Versus

Mighty Constructions Pvt Ltd & Anr

...Respondents

Mr JP Sen, Senior Advocate, with Darius Kakalia, & Raghavi Sharma, i/b Mulla & Mulla & Craigie Blunt & Caroe, for the Applicant in Chamber Summons No. 222 of 2017.

Mr Cyrus Ardeshir, i/b Desai Desai Currimjee and Mulla, for the Applicant in Chamber Summons (L) No. 549 of 2019.

Mr Pesi Mody, Senior Advocate, with K Desai, A Jaismal, i/b Little & Co., for Respondents Nos. 1 and 2.

CORAM: G.S. PATEL, J

DATED: 26th March 2019

PC:-

1. The auction purchaser, Eros Elevators and Excavators Pvt Ltd., has filed a new Chamber Summons (L) No.549 of 2019. It is not on board. It is mentioned. It is taken on board.
2. There is no difficulty in granting any reliefs on this Chamber Summons. Mr Ardeshir states that the full purchase price will be paid before the scheduled date: Eros Elevators proposes to make full payment by 30th April 2019. So as not to delay possession and passing of title, the Court Receiver is directed to forward to the Advocates for the auction purchaser a draft of the proposed sale certificate so that it can be issued expeditiously once payment comes in.
3. It goes without saying that the purchasers' liability towards property tax and all other dues will commence from the date when the auction purchasers are put in possession. All dues, including property tax, maintenance, etc. until the date of possession are to be paid by the Judgment Debtor as specified in the terms and conditions of the sale. The Judgment Debtor will make payment of all amounts due against the sold premises before 30th April 2019. If that payment is not made by that date, it will be paid out of the sale proceeds.
4. As regards society and membership, there should be no difficulty in directing the society to act on an authenticated copy of this order that will be passed.

5. Mr Mody on behalf of the Judgment Debtor hands over a cheque in the amount of Rs. 50 lakhs. This is drawn on the Axis Bank bearing No. 362525 dated 12th April 2019. The Judgment Debtor is at liberty to fill in the name of payee. It will give credit for this amount and will get the decree marked satisfied for Rs. 50 lakhs. Its first appropriation will be towards the interest and costs accrued due. There is a without prejudice proposal for payment of suggested full and final settlement. Mr Sen for the Judgment Creditor will take instructions on or before the next date.

6. List the matters on 30th April 2019 at 3.00 pm.

(G. S. PATEL, J)