

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**COURT RECEIVER'S REPORT NO. 438 OF 2023**

**IN**

**EXECUTION APPLICATION NO. 240 OF 2011**

Asian Natural Resources (India) Ltd. ... Award Debtor

Versus

Vitol S.A. and others ... Award Holder

**WITH**

**NOTICE OF MOTION NO. 371 OF 2017**

**IN**

**CHAMBER SUMMONS NO. 14 OF 2017**

.....

Mr. Nikhil Sonar instructed by Mr. Ashok Dhanuka, Advocate for the Official Liquidator of a Award Debtor.

Ms. Naira Jeejeebhoy alongwith Mr. Samrat Banerjee instructed by Bose and Mitra and Co., Advocate for the Respondent.

Ms. Nandini Deshpande, 1<sup>st</sup> Assistant to the Court Receiver, present.

.....

**CORAM : ABHAY AHUJA, J.**

**DATE : 24 JUNE 2025**

**PC. :**

1. This Court Receiver's Report has been listed at serial No.2 at 3.00 p.m.

2. The Court Receiver's Report is of November 2023 seeking directions of this Court as to the further course of action as the

endeavour to auction sell the suit cargo at Magdalla and Dharmatar Ports by public auction has failed. There is a request for a direction to sell the said cargo by private treaty on “as is where is basis”.

3. However, when the matter is called out, Ms. Jeejeebhoy, learned Counsel, appears for the Awardholder and draws this Court’s attention to the order dated 24<sup>th</sup> July 2024, pursuant to which this Court had directed the Prothonotary & Senior Master to ascertain the balances in the accounts that were attached by orders of this Court and also issue notice to the Union Bank of India to furnish information with respect to their claims on the suit cargo.

4. Perusal of the record indicates that although the Prothonotary & Senior Master has endeavoured to send e-mail to various Banks on 15<sup>th</sup> November 2021 and reminders on 18<sup>th</sup> December 2021 by e-mail, the e-mails on many banks has failed and no reply has been received except the formal reply from the ICICI Bank.

5. Let the Office of the Prothonotary & Senior Master furnish tablewise report of service attempted on the Banks through Indian Postal System with the assistance of the Awardholder within a period of four weeks without fail.

6. The learned Prothonotary & Senior Master is requested to personally supervise the matter as it does not appear that earlier

functionary had understood the purport of the directions in the order dated 24<sup>th</sup> July 2024.

7. It is also observed from the record that Union Bank of India has been served notice as directed by this Court and the same is borne out from the service report dated 19<sup>th</sup> August 2024 in the proceedings. Yet today none appears for the Union Bank of India. Accordingly, the Registry is once again directed to issue notice to the Union Bank of India and this time with a copy to the Chairman of the Union Bank of India as well as to the Ministry of Finance in terms of the contents of paragraph 5 of the order dated 24<sup>th</sup> July 2024.

8. It is made clear that if the Union Bank of India does not respond or does not cause appearance in this Court on the next date through a duly appointed Advocate, this Court will initiate contempt proceedings at the peril of the Bank and its senior officers.

9. Although this order is of 24<sup>th</sup> July 2024 and almost a year has passed yet the lackadaisical approach of the concerned in the order cannot be ignored.

10. All concerned are put to notice that if they do not abide by the orders of this Court with alacrity, this Court will pass appropriate orders at the peril of all concerned.

11. List on **28<sup>th</sup> July 2025** alongwith Chamber Summons No. 1305 of 2019 as well as Chamber Summons No. 1447 of 2015.

12. It is made clear that on the next date, this Court will also proceed to pass appropriate directions with respect to the Court Receiver's Report.

**(ABHAY AHUJA, J.)**