

Kavita S. J.

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

INTERIM APPLICATION (L) NO.1516 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION (L) NO.854 OF 2025

Surekha Ravindra Thorat & Ors.,

...Applicants/
Award Holders

Versus

M/s Thorat Wine Mart and Others

...Respondents/
Award Debtors

Mr. Rashmin Khandekar a/w Pranav Nair i/b Suraj Kaushik for the Applicants.

Mr. Drupad Patil a/w Prasad Keluskar for Respondent Nos. 1 to 3.

CORAM : R.I. CHAGLA, J.

DATED : 30th JANUARY, 2025.

ORDER :

1. By this Interim Application, the Applicants/Award Holders are seeking disclosure orders in terms of prayer Clause (a) of the Interim Application as well as consequential reliefs.

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2. Mr. Khandekar, learned Counsel appearing for the Applicants has referred to the Order dated 8th January, 2025 passed

by the Division Bench of this Court in Commercial Appeal (St.) No.36720 of 2024 under Section 37 of the Arbitration Act. By the said order, the Division Bench of this Court had accepted the statement of the learned Counsel for the Appellants therein and Respondent Nos. 1 to 4 herein that the liquor license in question issued in the name of the firm “M/s Thorat Wine Mart” is deposited with the Collector, and that without intimation to the Respondent Nos. 1 to 4 therein neither the same would be renewed nor any business shall be undertaken, and the same shall be subject to the orders passed in the Section 34 proceedings. Further, the statement made by the Counsel on behalf of the Appellant therein that the firm would not be undertaking any business from the said premises was also accepted. In Paragraph 7 of the said order, it was made clear that the statements made by the Counsel on behalf of Appellants therein shall govern as an interim arrangement till the final disposal of the Section 34 proceedings, as also on any issue in relation to the execution proceedings. He has submitted that the aforementioned statements would thus continue in above execution proceedings.

3. Mr. Khandekar has further submitted that by the Award dated 1st October, 2024 in respect of which execution has been

sought had directed Respondent Nos. 2 and 3 partners of Respondent No.1-Firm to pay to the Claimant 40% share in profits of the said Firm from the time the deceased Partner Late Ravindra ceased to be the Partner of the said Firm alongwith interest thereon @ 12% per annum on the unpaid amount. There are further directions against Respondent Nos. 2 and 3 to pay 40% share in the market value of the shop premises being Shop No.2, Integrated Bhoomi, LBS Road, Ghatkopar (West), Mumbai- 400 086. He has referred to the order dated 30th October, 2023 passed in the Section 17 Application which had been taken out by the Applicants herein by which the Respondent Nos.2 and 3 were directed to disclose on Affidavit, the assets of the Firm, Profit & Loss Account and the Balance Sheets from the Financial Year 2000-2001 till date within a period of four weeks from the date of the said order. He has submitted that Respondent Nos. 2 and 3 have failed to provide the disclosure as contemplated and has accordingly sought for further disclosure.

4. Mr. Drupad Patil, learned Counsel appearing for the Respondents states that the Respondent Nos. 2 and 3 are willing to make disclosure in respect of the assets of Respondent No.1. He has stated on instructions that the aforementioned liquor license and

shop promises were independent assets of the Respondent Nos. 2 and 3 who were the partners of Respondent No.1-Firm.

5. Accordingly, the Respondent Nos. 2 and 3 shall make disclosures in terms of prayer Clause (a) of the Interim Application as per the records available with Respondent Nos. 2 and 3 in respect of Respondent No.1-Firm within a period of three weeks from the date of this order.

6. The Applicants/Award Holders are at liberty to file Affidavit-in-Rejoinder thereto on or before 26th February, 2025.

7. The Applicants/Award Holders are at liberty to press for disclosure order against the Respondent Nos. 2 and 3 on the next date.

8. The Interim Application shall be placed for further consideration on 27th February, 2025.

[R.I. CHAGLA, J.]