

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 1332 OF 2014
IN
ARB.CASE.NO.ARB/ACB/17 OF 2011

Abhyudaya Co-op.Bank Ltd. Disputant/
Applicant.
V/s.
M/s.Daya Builders and Ors. Opponents.

Mr.Nilesh Singh, Advocate for Disputant.

Mr.K.C. Pandey, Advocate for Opponents.

Coram : K.K. Trivedi

Commissioner for Taking Accounts

Date : 05th May, 2017.

CALLED FOR DIRECTIONS :

Advocate for Opponent tenders Vakalatnama on behalf of Opponents, the same is taken on record. He also tenders zerox copy of Order dated 31st March, 2017 passed by the Hon'ble Supreme Court of India . The relevant paragraph of the Order is reproduced as under:-

“the respondent shall, in the first instance, sell property ‘A’, which is stated to be valued at Rs.24.89 crores. In case the amount found due and outstanding from the petitioner is recovered to sell the other two properties indicated as ‘B’ and ‘C’ in the notice at Annexure 5.”

In view of the aforesaid, it is crystal clear that Respondent in the matter i.e. Abhyudaya Co-operative Bank Ltd. are directed to sell the property (A) Entire Building called “Daya Sarita” “C Wing, consisting of basement, Ground Floor plus 2 stories Building constructed or to be constructed on plot of land bearing Survey No.262, Hissa No.1, 2 and 3

...2/-

and CTS No.658/A, of Village Malad (East), Gokuldham, Goregaon (East), Mumbai-400 063 admeasuring area about 14,852.00 sq.ft. , at the first instance. In case,the amount found due and oustanding from the sale it is less, then the other properties as indicated in property scheduled at “B” & “C” can be sold.

Advocate for Disputant herein is therefore, directed to take appropriate steps as directed in the aforesaid Order.

In view of the aforesaid Order, matter is adjourned Sine-die. However, parties are at liberty to move application, if any directions are required. For further compliance, place on 21st August, 2017 for Orders.

05-05-2017

Commissioner for Taking Accounts