

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO.1040 OF 2024**

Sneha Sachhanand Tejawani

... Petitioner

V/s.The State Of Maharashtra Thr.
Govt. Pleader

... Respondent

Ms. Neeta Jain a/w Mr. Mahesh Kukreja and Mr. Salman Haider Khan and Mr. Shivam Singh for the Petitioner.

Smt. Anjali Helekar, G.P. a/w Ms. Usha Rahi, AGP, for the Respondent Nos.1 to 3-State.

Mr. Karl Shroff a/w Mr. Nishit Tanna and Mr. Nikhil Sonar i/by W3 Legal LLP for the Respondent No.4.

Mr. Rajesh Kumar Mittal, Resolution Professional, in the matter of Vinsari Fruitech Ltd. vs. Neeraj Gunvant Kakad, HUF.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 10th July, 2026

P.C.:-

1) The case in hand discloses an extremely sorry state of affairs with the Collector of Mumbai. The decree/s passed by the Competent Authority established under the Maha RERA are not being executed scrupulously by the Revenue Authorities though mandated under the law. This state of affairs was expressed in Paragraph Nos.2, 3 and 3.1 of our

Order dated 25th February, 2026 passed in the present Petition which reads as under:-

“2) Present Petition was listed on Board yesterday and taking into consideration the fact that the decrees passed by the Maha RERA are being frustrated by the judgment debtors by adopting or rather exploiting various loopholes in the law. We have therefore requested learned Advocate General of the State to assist this Court in either formulating a scheme for execution of the decrees passed by the Maha RERA within stipulated period or to adopt necessary remedial and measures against the judgment debtors who are defeating the basic intention of legislature in enacting the said statute.

3) Learned Advocate General seeks time to ponder upon the suggestion of this Court.

3.1) At the request of Advocate General, stand over to 11th March, 2026.”

2) The said Order also recorded that, an Affidavit of disclosure was filed on behalf of Respondent No.4. Upon perusal of the Affidavit, we found it insufficient.

3) The learned Advocate for the Petitioner pointed out the fact that, the Respondent No.4 is also Director/partner in at least 5 more entities. We accordingly had passed a detailed Order dated 8th July, 2026.

The Order dated 8th July, 2026 is self-eloquent and is worded in plain and simple English. Paragraph Nos.2, 3 and 4 of the Order reads as under:-

“2) Record indicates that, taking undue advantage of the fact that, in our Order dated 10th February, 2026, we did not direct Mr. Neeraj Gunvant Kakad to disclose all the entities including firms/LLPs, etc. wherein he has monetary interest, he has filed an Affidavit disclosing only the company in which he was a Director.

3) It *prima facie* appears to us that, Respondent No.4 i.e. Neeraj Gunvant Kakad is attempting to take this Court for a ride and he is indulging in acts of playing fraud with the Court.

4) We therefore direct the Collector of Mumbai to personally verify in how many firms, companies, LLPs, partnership firms, proprietary concerns and any other legal entities, the Respondent No.4, Neeraj Gunvant Kakad either himself or through his family members has investments and/or monetary interest, and disclose all such information on Affidavit to this Court on or before 10th July, 2026.”

4) Today, the matter was called out for hearing in the morning session. As the Affidavit by the Collector of Mumbai was not ready, at the request of learned AGP appearing in the matter, the matter was kept back and called out for hearing in the second session, to enable the Collector of

Mumbai to file his/her Affidavit as per the Order dated 8th July, 2026.

5) In the second session at about 3:15 pm, the learned AGP appearing in the matter tendered across the bar the Affidavit of Shri Dilip Rayannavar dated 10th July 2026. Despite clear and specific directions in our Order that, the Collector of Mumbai has to file Affidavit, Mr. Dilip Rayannavar, Tahsildar qua Executive Magistrate, Kurla, (Mulund), has filed his Affidavit. In Paragraph Nos.1 and 2 of his Affidavit dated 10th July, 2026, it is stated as under:-

“1. I say that I am well acquainted with the facts and circumstances of the present case from the official records maintained in the office of the Tahsildar and Executive Magistrate, Kurla (Mulund), Mumbai – 400080. I am duly authorized and competent to affirm this Affidavit in my official capacity as the Tahsildar and Executive Magistrate, Kurla(Mulund), Mumbai, being the statutory Executing Authority responsible for implementation of the Recovery Warrant. The statements made herein are based solely on the official records available with my office and are made in discharge of my official duties.

2. I say that the present Affidavit is filed pursuant to the order dated 8th July 2026 passed by this Hon’ble Court in the above Writ Petition.”

6) A plain reading of Order dated 8th July, 2026 would clearly

indicate that, this Court has not authorised or permitted Mr. Dilip Rayannavar to file his Affidavit in this Petition. It was the Collector of Mumbai who was directed to file Affidavit. It is thus apparent that, Mr. Dilip Rayannavar has usurped the powers of Collector of Mumbai. By filing such Affidavit, he has undermined the Authority of this Court. Consequently, he has not only interfered with the due course of judicial proceedings, but has also intentionally interfered and obstructed the administration of justice.

7) In defence, the learned Government Pleader submits that, the Collector of Mumbai had given authority to Mr. Dilip Rayannavar, to file such an Affidavit. However, the pleadings in the Affidavit are absolutely silent. No corroborative evidence is annexed to the said Affidavit and the most importantly, the directions issued in para No.4 of our Order dated 8th July, 2026 have not been complied with. The necessary and relevant information which the Court was seeking from the responsible Government Officer is not placed on record even by the Tahsildar.

8) Thus, according to us, the Collector of Mumbai has not complied with the Order dated 8th July, 2026. He has committed an act of contempt as contemplated under Section 2(c) read with Section 12 of the Contempt of Courts Act, 1971.

9) According to us, Mr. Dilip Rayannavar has made palpably false statement in Paragraph Nos.1 and 2 of his Affidavit and therefore has also

committed an act contemplated under Section 340 of Cr.P.C. or Section 379 of BNSS.

10) Taking into consideration the gravity of the matter, on 8th July, 2026, although we were inclined to grant only a day's time to the Collector to furnish the necessary information, with a view to enable the learned AGP appearing in the case, to complete the procedure and pleadings, we had granted two days time i.e. upto today, to do it. The said direction was given only with a view to avoid further complexity and/or precipitation of the matter and speedily adjudicate the matter.

11) We therefore issue notice to the Collector of Mumbai and also Mr. Dilip Rayannavar, Tahsildar qua Executive Magistrate (Mulund) as to why the action under the provisions of Contempt of Courts Act should not be taken against them. In addition to the said Notice, we also call upon Mr. Dilip Rayannavar to show cause as to why, action under Section 340 of Cr.P.C. should not be initiated against him for making false statement in para Nos.1 and 2 of his Affidavit dated 10th July, 2026.

12) The learned Advocate for the Petitioner submitted that, as per their information flat at Dan Kutir CHSL situate at Plot No.308, CTS No.E/495 of Village Bandra, 12th Road, Khar (West), Mumbai-52, belongs to Niraj Gunvant Kakad or one of his entities. She accordingly submitted that, to secure her claim, a Court Receiver be appointed.

13) The learned Advocate for Respondent No.4 submitted that,

though the consent terms relied upon by the Petitioners Advocate states that, the flat at Dan Kutir would be transferred to Respondent No.4, so far no agreement has been executed and therefore it was not disclosed in the Affidavit of disclosure filed by Respondent No.4 on 24th February, 2026.

14) By that as it may, with a view to secure the Petitioner's claim, we deem it fit to appoint the Court Receiver, High Court, Bombay, as Receiver of flat at Dan Kutir CHSL situate at Plot No.308, CTS No.E/495 of Village Bandra, 12th Road, Khar (West), Mumbai-52.

15) The Court Receiver, High Court, Bombay, is directed to take physical possession of the said flat at the earliest and in any event before Monday i.e. 13th July, 2026.

16) At the request of learned Government Pleader, stand over to 17th July, 2026.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)