

## CHAPTER XXX

### OFFICE OF THE RECEIVER

**589. Application for appointment of Receiver** – An application for the appointment of a receiver of property, the subject matter of a suit or matter, shall be made to the Court, and the Prothonotary and Senior Master shall, on issuing the order of appointment, forward to the Commissioner for Taking Accounts a certificate stating the name of such receiver and the conditions, if any, on which he has been appointed.

A receiver may be appointed by the Judge in Chambers if the matter is one usually dealt with in Chambers.

**590. Security to be given by a Receiver other than the Court Receiver** - When an order is made appointing a person, other than the Court Receiver, as receiver, the person appointed shall, unless otherwise ordered, first give security to the satisfaction of the Prothonotary and Senior Master in such sum as the Court may direct duly to account for what he shall receive in respect of the property of which he is appointed receiver at such periods as may be prescribed by these rules or as the Court may direct, and duly to pay or to deliver the same as the Court may from time to time direct.

<sup>1</sup> **591: Fees of Court Receiver** – Unless otherwise ordered by the judge, the Court Receiver shall charge fees according to the following scale: -

| Sr. No. | Scale of Fees                                                                                                                                                                                                                                                  | Percent     |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1       | On Rents, Royalties or License fees recovered                                                                                                                                                                                                                  | 8           |
| 2       | On outstanding recovered except as provided in item 3 below:-<br>On the first Rs. 2,00,000/- or fraction thereof<br>On the next Rs. 2,00,000/- or fraction thereof<br>On the next Rs. 1,00,000/- or fraction thereof<br>On any further sum over Rs. 5,00,000/- | 5<br>3<br>2 |
| 3       | On outstanding recovered from a Bank or from a public servant without filing a suit                                                                                                                                                                            | 2           |
| 4       | On sale of properties movable or immovable calculated on the total value realized in any one estate.<br>On the first Rs. 5,00,000/- or fraction thereof<br>On the next Rs. 5,00,000/- or fraction thereof                                                      | 3<br>2 ½    |

|   |                                                                                                                                                          |          |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
|   | On the next Rs. 2,00,000/- or fraction thereof                                                                                                           | 2        |
|   | On any further sum over Rs. 12,00,000/-                                                                                                                  | 1        |
| 5 | Charges payable in advance for taking charge of property in any proceeding :-<br>Movable property in one estate                                          | 25,000/- |
|   | Immovable property –                                                                                                                                     |          |
|   | (i) Building or a part thereof                                                                                                                           | 25,000/- |
|   | (ii) Open Land                                                                                                                                           | 35,000/- |
|   | (iii) Building with open land appurtenant thereof                                                                                                        | 50,000/- |
| 6 | For taking custody of money                                                                                                                              | 3        |
| 7 | For taking custody of Government Securities or Stocks, Shares, Debentures, Debenture-Stock or other Securities which are not sold on the estimated Value | 2        |
| 8 | On the interest earned by investment of funds in the custody of the Court Receiver.                                                                      | 6        |
| 9 | For any special work, not provided for above, such remuneration as the Court on the application of the Receiver shall think reasonable.                  |          |

While calculating fees to be charged, the amount will be calculated to the nearer whole rupee by giving up the amount less than 0.50 ps. and counting the amount of 0.50 ps. and above a whole rupee.

**<sup>1</sup>592: Court Receiver to charge office expenses to estate.-** The Court Receiver shall, unless otherwise ordered by the Judge, charge to suits, estates or matters under his management a sum which in his discretion he considers proper, toward the expenses of his office including his salary and this he shall do so with due regard to the fees charged by him under Rule 591 and to the value of each suit, estate or matter and the labour and trouble involved in its management.

“The Court Receiver shall charge fixed fees in respect of certain items according to the scales set out in the table below subject to revision after 5 years with the approval of the Chief Justice. On appointment being made of the Court Receiver by High Court or City Civil Court, the Court Receiver shall be entitled to recover deposit of Rs. 50,000/- from the parties at whose instance the appointment is made. The deposit shall be adjusted against the cost and charges payable to the Court Receiver.”

| Sr. No. | Description                | Amount (in Rs.) |
|---------|----------------------------|-----------------|
| 1       | Office Expenses (per year) | 1,000/-         |

|    |                                                                                                                                                                                                                                                          |          |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2  | Printing and Stationery Charges (per year)                                                                                                                                                                                                               | 1,000/-  |
| 3  | Vouchers and correspondence file (each file)                                                                                                                                                                                                             | 500/-    |
| 4  | Postage and Revenue stamp charges (per year)                                                                                                                                                                                                             | 1,000/-  |
| 5  | Establishment charges (per year)                                                                                                                                                                                                                         | 3,000/-  |
| 6  | Cost of the Court Receiver's Report if awarded by the Hon'ble Court                                                                                                                                                                                      | 5,000/-  |
| 7  | Clerk/Assistant Section Officer / S.O. Attendance / visit charges (local) (out of Rs. 1,000/- Rs. 300/- may be given to the person attending the site as a daily allowance.)                                                                             | 1,000/-  |
| 8  | Clerk / Assistant Section Officer / S. O. Attendance / visit charges (outstation) (out of Rs. 1,500/- Rs. 500/- may be given to the person attending the site as a daily allowance). charges for working beyond office hours either local or outstation. | 1,500/-  |
|    | 1. Master (Adm) (per hour or part thereof)                                                                                                                                                                                                               | 400/-    |
|    | 2. Section Officer (per hour or part thereof)                                                                                                                                                                                                            | 300/-    |
|    | 3. Assistant Section Officer (per hour or part thereof)                                                                                                                                                                                                  | 200/-    |
|    | 4. Clerk (per hour or part thereof)                                                                                                                                                                                                                      | 100/-    |
| 9  | Cost of possession board                                                                                                                                                                                                                                 | 250/-    |
| 10 | Cost of Rent Bill Book                                                                                                                                                                                                                                   | 250/-    |
| 11 | Cost of Rent Recovery Register                                                                                                                                                                                                                           | 250/-    |
| 12 | Cost of remittance payment slip                                                                                                                                                                                                                          | 10/-     |
| 13 | Misc. expense (minimum/variable)                                                                                                                                                                                                                         | 5,000/-  |
| 14 | Costs of storage charges of books of accounts (per year)                                                                                                                                                                                                 | 500/-    |
| 15 | Cost of cloth piece                                                                                                                                                                                                                                      | 200/-    |
| 16 | Towards charges of making inventory without possession (+) expert fees extra                                                                                                                                                                             | 10,000/- |

- 
1. Amended by High Court Notification No. G/Amend/312 dt. 18-03-2021 published in M.G.G., Part-IV-C, dated 18/03/2021.

**593. Investment of moneys by the Court Receiver** – The Court Receiver shall, out of moneys standing to the credit of a suit or matter, invest such amount, as is not immediately required for payment or for meeting the current expenses relating to the suit or matter, in consultation with the parties to the suit or matter, in Government securities or in interest bearing deposits in any Scheduled Bank in the name of the Court Receiver as Receiver in suit or matter. The dividend or interest accruing on such investment shall be credited to the account of the same suit or matter from which the moneys were so invested.

**594. (a) Period for filing Receiver's account with the Commissioner** – (a) A receiver, other than the Court Receiver, shall, in the absence of any directions of the Court or the Judge in Chambers to the contrary, file his account in the office of the Commissioner within three months from the expiry of a year from the date of his appointment and thereafter within three months from the expiry of each subsequent year.

**Period for filing the Court Receiver's Account with the Commissioner** – (b) The Court Receiver shall, in the absence of any directions of the Court or the Judge in Chambers to the contrary, file in the office of the commissioner his account from the date of his appointment to the end of the next calendar year within three months from the expiry of the said calendar year and thereafter within three months from the expiry of each subsequent year: provided that where important entries in the account do not exceed a dozen on each side, the Court Receiver may file office account for a period not exceeding three years.

Where the Court Receiver is discharged after the end of a calendar year and before the account is filed, he may file his account up to the date of his discharge.

In drawing up every order for the appointment of a receiver, a provision shall be made requiring the receiver to file his account in the office of the Commissioner as provided by this rule

**595. Form of receiver's account** – The account of a receiver to be filed in the office of the Commissioner shall be in Form No. 81 with such variations as the circumstances may require. An affidavit verifying the account shall be endorsed at the foot of the account and shall refer to it as an exhibit.

**596. Certified copy of the Minutes of the decree or order to be served on the Receiver** – In a suit or matter where a Receiver has been appointed, a certified copy of the minutes of the decree or order containing provisions which directly or indirectly concern the Receiver shall be served on the Receiver by the party on whose application the decree or order is passed with one week from the date of such decree or order:

Provided, however, that where the party is represented by an Advocate entitled to act on the Original Side of this Court, it shall be the duty of such Advocate to serve a certified copy of the minutes of the decree or order on behalf of the party within the time herein provided.

**597. Provisions for payment of Receiver's costs etc.** – When an order is made directing the receiver to part with any property the order shall provide that the costs, charges, expenses and commission of the receiver shall be paid by such party as the Court may direct as a condition precedent to such delivery.

**598. Rules in this chapter to apply to interim receiver and administrator pendente-lite.** – The rules contained in this chapter and all other rules applicable to a receiver shall, with any necessary modifications, apply to an interim or provisional receiver and to an administrator *pendente lite*

**599. Sale by Court Receiver** – The rules contained in Chapter XXIX relating to sales of movable and immovable property shall, with any necessary modifications, apply to sales held by the Court Receiver.

---