

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION (L) NO.116 OF 2015
IN
COMPANY PETITION NO.641 OF 2014**

Anil Deepak Amarnani	...	Applicant
and		
M/s. Chiranjilal Finance Ltd.	...	Petitioner
versus		
The Official Liquidator of M/s.		
Neuvithran Nutrition Pvt. Ltd.	...	Respondent

Mr. Vipul Shukla i/by Mr. J.R.Vyas, for Applicant.
Ms. F. Dhanani i/by M/s. Dhruve Liladhar and Co., for Petitioner.
Ms. Pratibha, Asstt. Official Liquidator, present.

CORAM: S.J. KATHAWALLA, J.

DATE: 18TH FEBRUARY, 2015

P.C.

1. The above Company Application is taken out by Mr. Anil Deepak Amarnani seeking directions against the Official Liquidator to remove his seal from the premises being Gala No.323, 3rd Floor, Kuber Complex, New Link Road, Andheri (W), Mumbai – 400 053 (the Suit premises) and handover the same to the Applicant.

2. According to the Applicant, the Suit premises were taken by M/s. Neuvithran Nutrition Private Limited (in liquidation) on leave and licence basis from the Applicant, for which security deposit of Rs.2 Lacs was given by the Company to the Applicant. The Suit premises were handed over by the

Company to the Applicant by its letter dated 7th June, 2014. At that time an amount of Rs.1,50,000/- was returned by the Applicant to the Company by cheque No.622759 dated 7th June, 2014 and the balance amount of Rs.50,000/- was retained by the Applicant on an understanding that the same will be kept on hold till all the formalities are completed. A copy of the letter dated 7th June, 2014 issued by the Company to the Applicant regarding handing over possession of the Suit premises to the Applicant is taken on record and marked 'X' for identification.

3. It is submitted on behalf of the Applicant that though the Suit premises used by the Company as licensee of the Applicant had been handed over to the Applicant by the Company as far back as on 7th June, 2014, the representative of the Official Liquidator has put his seal on the Suit premises of the Applicant, which needs to be forthwith removed.

4. The learned Assistant Official Liquidator states that the Suit premises were used by the Company on leave and licence basis and from the record it appears that the Company has handed over the Suit premises to the Applicant and received an amount of Rs.1,50,000/- towards refund of the security deposit from the Applicant leaving balance of Rs.50,000/-, which the Applicant states that he has appropriated towards his dues.

5. In the above circumstances, the Official Liquidator is directed to

remove his seal from the Suit premises and handover the same to the Applicant upon the Applicant depositing an amount of Rs.50,000/- being the unpaid deposit amount with the office of the Official Liquidator. The seal of the Official Liquidator shall be removed after giving written notice to the Ex-Director of the Company and to the Applicant by hand delivery. The entire process of removing the seal and handing over the premises to the Applicant shall be completed by the Official Liquidator on or before 22nd February, 2015.

6. The learned Advocate appearing for the Applicant on instructions undertakes to deposit an amount of Rs.50,000/- with the office of the Official Liquidator on or before 20th February, 2015. The undertaking is accepted. However, the Applicant shall be at liberty to file his claim if any against the Company before the Official Liquidator, which shall be adjudicated by the Official Liquidator on its own merits.

7. The above Company Application is accordingly disposed of.

(S.J.KATHAWALLA, J.)