

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. (L) 131 OF 2015
IN
COMPANY PETITION NO. 270 OF 2014

Mr. Uday Desai & Anr. ... Applicants (Interveners)

IN THE MATTER OF :

Euroamer Garuda Resorts (I) Pvt. Ltd. .. Petitioner

Versus

Endeavour Media Management Pvt. Ltd. ... Respondent

And

The Official Liquidator, High Court, Bombay.. Respondent

Ms. Ridhi Nyati a/w Mr. Vishal Sheth i/b Mr. Bimal Rajasekhar, for the Applicants.

Mr. Swapnil Ambre i/b. Dinesh Tiwari and Associates for the Petitioner

Mr. Chirag Modi i/b. Ashok Purohit and Company for the Respondent

Mr. S. Ramakantha, OL, present.

CORAM: S.J. KATHAWALLA, J.

DATE : 20TH FEBRUARY 2015

P.C.

1. The above Company Application is taken out by Mr. Uday Desai and Mr. Sunil Verma, the 1st and 2nd Applicants respectively, seeking directions against the Official Liquidator to remove his seal from the premises Nos. B/509, B/510 and B/511, 5th Floor, Crystal Plaza Premises CHS, Opposite

Infinity Mall, New Link Road, Andheri (W), Mumbai 400 053 (“the Suit premises”) and handover possession the Suit premises to the Applicants.

2. According to the Applicants, the premises bearing No. B/509 belonging to the 1st Applicant and premises bearing Nos. B/510 and B/511 belonging to the 2nd Applicant were taken by Endeavour Media Management Pvt. Ltd. (in liquidation) on leave and license basis, by way of two separate agreements dated 5th May 2011. Pursuant to the said Agreements, the Company gave a security deposit of INR 5,00,000 to the Applicants. Upon expiry of the leave and license agreements, the Suit premises were handed over by the Company to the respective Applicants, as set out in the Company’s letter dated 21st April 2014. As recorded in the said letter, the Applicants issued a Cheque bearing No. 84778, dated 19th April 2104, drawn on the ICICI Bank, Kanpur Branch for an amount of INR 5,00,000, thereby returning the entire security deposit to the Company.

3. It is submitted on behalf of the Applicants that though the Suit premises which were used by the Company on a leave and license basis have been handed over to the Applicants by the Company as far back as on 21st April 2014, the Official Liquidator’s representative has put his seal on the Suit premises, which needs to be forthwith removed.

4. The learned Official Liquidator states that the Suit premises were once used by the Company on leave and license basis and from the records it appears that the Company has handed over the Suit premises to the Applicants and has received an amount of INR 5,00,000 towards refund of the full security deposit from the Applicant. This statement is confirmed by Counsel appearing for the Company.
5. In the above circumstances, the Official Liquidator is directed to remove his seal from the Suit premises and forthwith handover possession of the Suit premises to the respective Applicants.
6. The above Company Application is accordingly disposed off.

(S. J. KATHAWALLA, J.)