

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY
OFFICIAL ASSIGNEE REPORT NO.12 OF 2015
IN
INSOLVENCY PETITION NO.127 OF 2004**

Re :

Alpesh Harshad Mehta ... Insolvent (own Petition)

Ex-Parte :

The Official Assignee of Bombay ... Petitioner

None for the parties.

Mr. M.D.Narvekar, Official Assignee, present.

Mr. Shivaji PDhainje, Asstt. Commissioner of Sales Tax, Investigation (A),
Mumbai, present.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th MAY, 2015

PC.:

1. Mr. Shivaji P. Dhainje, Asstt. Commissioner of Sales Tax, is present in Court. He states that the Sales Tax Department has no information qua the whereabouts of the Insolvent. In view thereof, prayer clauses (b) and (c) of the Report is granted, which are reproduced hereunder :

(b) Since the Insolvent is not traceable and the Warrant of Committal for Contempt is returned unexecuted by the Bailiff of Sheriff of Bombay, the Hon'ble Insolvency Court may dispense with the private and publication examination of the Insolvent abovenamed and annul the Insolvency under Rule 136 of the Bombay Insolvency Rules, 1910 for want of

prosecution and while doing so the Insolvency Registrar may be directed to publish an advertisement about such annulment of Insolvency in Maharashtra Government Gazette;

(c) If the Insolvency Petition No.127 of 2004 is disposed off, the Official Assignee may be permitted to deduct the cost, charges and expenses etc., from the balance lying to the estate account of the above Insolvent and the 3% Commission chargeable on total liabilities under Rule 180 of the Bombay Insolvency Rules, 1910 be dispensed with;

2. The Report is accordingly disposed of.

(S.J.KATHAWALLA, J.)