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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 34 OF 2015
IN
INSOLVENCY PETITION NO. 8 OF 2014**

Re.	
Varad L. Ullal	...Insolvent
Mohandas I Chatlani	...Petitioning Creditor
And	
Bharat Co-operative Bank (Mumbai)Ltd.	...Respondent.

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Mr M.B.Madekar i/b Madekar & Co. for the Petitioning Creditor
Mr Anil Bagwe for Respondent No.6.
Mr M.D.Narvekar, Official Assignee present.

**CORAM : S.C. GUPTE, J.
JULY 21, 2015**

P.C. :

The Motion seeks directions against the first Respondent bank for deposit of surplus amount from out of the sale proceeds of the properties of the insolvent which is being conducted by the bank under the provisions of the Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002. There are in all four industrial galas and one house property at Bandra in Mumbai. Learned Counsel for the first Respondent bank submits that, four galas have been sold through public auction and an amount of Rs.2,18,91,001/- has been received through the sale proceeds. The Respondent bank's claim is of Rs.3,27,11,079/-. After adjusting the sale proceeds, there is still sum of Rs.1.20 crores owed by the Insolvent to the Respondent bank. It is, however, accepted by the bank that after the house property is sold there is possibility of surplus amount coming into hands of the Respondent bank. The Notice of Motion is, accordingly, made absolute in terms of prayer clauses (a) and (b). The first Respondent bank shall disclose the details in terms of prayer clause (a) on affidavit to be filed within a period of two weeks from today. As and when the house property is disposed of and the Respondent bank's debt is adjusted from the sale proceeds, surplus, if any, shall be deposited by the first Respondent bank with the Official Assignee of this Court. The fact of such sale and adjustment of proceeds also shall be disclosed on

affidavit to be filed by the first Respondent bank within a period of two weeks from completing the sale. The Motion is disposed of accordingly. There shall be no order as to costs.

(S.C.GUPTE J.)