

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

**COMPANY APPLICATION NO.801 OF 2015
IN
COMPANY PETITION NO.774 OF 2005**

Tiya Engineering & Electronics Pvt. Ltd.Applicant

IN THE MATTER BETWEEN :

B.I.F.R.Petitioner

V/s.

The Official Liquidator of M/s.
Singhal Swaroop Ispat Ltd. (In Lign.)Respondent

Mr. C.N. Mehta i/b. MMK Law Associates for the applicant in both the applications.

Mr. Ashish Singh i/b. DSK Legal for MSEDCL.

Ms. Vaibhavi S. Gole i/b. M/s. A.R. Bhole & Co. for MIDC.

Mr. Mahindaar Aithe, Company Prosecutor for Official Liquidator present.

**CORAM : K.R.SHRIRAM,J
DATE : 21st November, 2015**

P.C.:-

1 When the application was listed on 19th November, 2015, except MSEDCL Ltd. and the applicant, nobody else was represented. The counsel appearing for the applicant stated that MIDC and Grampanchayat was served on 21st October, 2015. Despite service, both MIDC and Grampanchayat did not appear. The counsel for the MSEDCL Ltd. stated that if the applicant makes a necessary application in proper format they would, within a maximum period of

30 days provide electricity connection in the name of the applicant. The counsel further stated that the applicant will have to pay the transfer charges. The counsel appearing for the applicant stated that his client will pay the transfer charges.

2 As the prayer clause – (a) was not properly worded, the counsel appearing for the applicant sought leave of the court to tender draft amendment and the matter was stood over to today.

3 Today, the counsel appearing for the applicant tenders draft amendment which is taken on record and marked 'X' for identification. The amendment is permitted and the amendment has to be carried out forthwith.

4 Today, MIDC is represented by counsel. The counsel for MIDC is seeking time to put in a reply. The applicant have also filed an affidavit of service of one Santosh Jadhav affirmed on 21st November, 2015 from which it appears that MIDC was served on 21st October, 2015. MIDC has had almost one month to instruct the advocate and file a reply. From the affidavit in support, it appears that the applicant purchased the property in question in public auction from the Recovery Officer, MDRT-I on 14th March, 2011 and the Sale was confirmed pursuant to an order dated 19th April, 2011. It is

almost 4 ½ years since then. The applicant have also stated that they requested MIDC by a letter dated 21st August, 2012 to transfer the said plot in the name of the applicant. It appears that the matter has been lingering for more than three years since then.

Therefore, I am not inclined to grant any time to MIDC.

5 The Official Liquidator also states that he has no objection if the application is allowed and MIDC, MSEDCL Ltd. and Grampanchayat may lodge their claim for the period prior to the auction with the Official Liquidator.

6 In the circumstances, the company application is allowed in terms of prayer clauses – (a) and (b). It is also clarified that all transfer charges for MIDC to transfer the property and give water connection, MSEDCL Ltd. to provide electricity connection and Grampanchayat to issue NOC shall be paid by the applicant. The applicant shall also provide all the documents required for the purpose of transfer. Upon the applicant paying the transfer charges and filing the documents, MIDC, MSEDCL and Grampanchayat shall transfer and give water connection and provide electricity connection and issue NOC, respectively, not later than 30 days from the date of the applicant paying the charges and submitting the documents.

7 Accordingly, the application stands disposed of.

(K.R.SHRIRAM,J)