

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 47 OF 2015
IN
COMPANY APPLICATION NO. 492 OF 2013
IN
COMPANY PETITION NO.263 OF 2003

Mr. Sunil Vasant Rao Ratnaparkhi ... Applicant

IN THE MATTER BETWEEN :

Mr. Sunil Vasant Rao Ratnaparkhi ... Petitioner

Versus

The OL of Satwik Electric Controls & Anr. ... Respondents

Ms. Rita Yadav for the Applicant.

Ms. Yogini Chauhan, Assistant OL, present.

CORAM : S.J. KATHAWALLA, J.
DATED : 27TH MARCH, 2015

P.C.

1. By the above Application, the Applicant (original Petitioner) seeks the following reliefs :

“(a) That this Hon'ble Court may be pleased to set aside order dated 21st March, 2014 passed in Company Application No. 492 of 2013 in Company Petition No. 263 of 2003 annexed at Exhibit-A to the Affidavit in support.

(b) That this Hon'ble Court may be pleased to declare that

the auction held on 10th May, 2014 in respect of the Company property situated at Plot Nos. E-12 and 13 at village Satpur, MIDC Division, District-Nashik by the Respondent No. 2 -Bank as per order dated 21st March, 2014 is null and void and the possession of the said property be restored”.

2. The order dated 21st March, 2014 is already implemented, the sale of the property has taken place on 10th May, 2014 and the property sold to one M/s. Bhavin Wheels Private Limited for Rs.5,85,00,000/-. In fact, the possession of the property is also handed over to M/s. Bhavin Wheels Private Limited. The Applicant was present at the said auction but did not raise any objection. Though the Applicant has prayed that the auction sale held on 10th May, 2014 be set aside, the Applicant has not joined M/s. Bhavin Wheels Private Limited as a party Respondent to the Application. In view thereof, the above Application is dismissed with liberty to file a fresh Application if so advised.

(S.J. KATHAWALLA, J.)