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

**COMPANY APPLICATION (L) NO. 720 OF 2015
IN
COMPANY APPLICATION NO.418 OF 2012
IN
COMPANY PETITION NO. 392 OF 1996**

Bhavin Enterprises	...Petitioner
And	
Track Multitrade Pvt. Ltd.	...Applicant
VS	
The Official Liquidator, High Court, Bombay	...Respondent.

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Mr Jaswant Khatodiya for the Applicant.
Mr S Ramakantha, OL a/w Ms Yogini Chauhan, Asstt OL present.

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CORAM : S.C. GUPTA, J.

OCTOBER 23, 2015

P.C. :

The Company Application seeks direction to the Official Liquidator for execution of Deed of Assignment in favour of the Applicant. The Applicant is a purchaser of movable property (Property No.2, Exh A) and immovable property being the Registered Office and factory premises of the company (In Liqn) situated at Plot No.D-47, MIDC, Baramati, District Pune - 413 133. The sale of the property in favour of the Applicant was confirmed by this Court in its order dated 23 August 2012. In pursuance of this order, all the amounts referred to in paragraph 2 of that order have been duly paid by the Applicant towards the full and final payment of the sale consideration fixed by this Court. The possession of the property was also handed over to the Applicant on 13 October 2012. The Deed of Assignment, however, was not executed since the stamp duty payable on the deed was not paid by the Applicant. The Applicant had some financial constraint and could not pay the stamp duty aggregating to about Rs.1.7 Crores. The Applicant is now in a position to pay the requisite stamp duty. Accordingly,

subject to the Applicant paying the requisite stamp duty on the Deed of Assignment, the Official Liquidator is directed to execute a Deed of Assignment in favour of the Applicant concerning the immovable property described above. Such Deed of Assignment shall be executed within a period of three weeks of the Applicant paying the stamp duty. Needless to add that before the stamp duty is paid, the Applicant shall have the draft of the Deed of Assignment settled with the Official Liquidator and also have the same adjudicated for payment of stamp duty. The application is disposed of accordingly.

(S.C.GUPTE J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/ Order.