

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMPANY APPLICATION (L) NO.754 OF 2015
IN
COMPANY PETITION NO.536 OF 2003**

Ketan Anil Shah

...Petitioner

vs.

Official Liquidator & Ors.

...Respondents

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Mr. Ram Upadhyay, for the Applicant.

Mr. Vivek Kantawala – Auction Purchaser.

Mr. S. Ramakantha, OL.

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CORAM: S.C. GUPTE, J.**DATE : 16 OCTOBER, 2015.****P. C. :-**

. The Company Application seeks recall and setting aside of an auction sale conducted by this Court on 7 August 2015 and conclusion thereof by an order of the same date. The sale was proposed on an Official Liquidator's Report. The property to be sold was office premises admeasuring about 1180 sq. mtrs. in a building at Nariman Point, Mumbai. There were as many as 13 attempts for sale of the property. During the course of these attempts, as noted by this Court on 7 August 2015, the reserve price fixed by this Court for the sale of the property was reduced from time to time and finally to Rs. 4 crores. Even after reduction of the reserve price and a public notice calling for bids on that basis, there was no bid for the property. Finally, by its order dated 17 April 2015, this Court directed one last attempt to be made for sale of the

property. The Official Liquidator was asked to issue an advertisement without mentioning any reserve price. As a result of the public notice issued in that behalf, as many as five offers were received from different parties, the highest offer being of Rs.1.80 crores. Since none of the offers were up to the expectations of the Court, the parties were asked to make an inter se bidding in Court. After the bidding, the offer of one Mr. Siddharth Mehta for a sum of Rs.2.70 crores was found to be the highest offer and was accepted by the Court. Mr. Mehta, in pursuance of the acceptance of his offer has not only paid the requisite EMD but also the entire balance payment in accordance with the order passed on 7 August 2015. Possession of the premises has, thereupon, been handed over to Mr. Siddharth Mehta on 23 September 2015. Mr. Mehta has since been in possession of the premises. On these facts, it is not possible to entertain a fresh offer for sale of the property at the instance of the Applicant. Notwithstanding the Applicant's offer to purchase the property for a sum of Rs. 3 crores and his further willingness to bid in the Court in the event of there being matching offers from others, the application simply cannot be permitted. The reopening of a sale concluded in this Court cannot be permitted after payment of the consideration by the purchaser. It will clearly violate the sanctity of a Court conducted sale. The application is, accordingly, dismissed.

(S. C. GUPTE, J.)