

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Company Application No.987 of 2015
in Company Petition No.80 of 2014

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Dated 29.06.2015

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Between:

All India Marwadi Mahila Sammelan represented
by its President Dr.Saroj Bajaj

... Applicant

and

M/s.P.C.H.Retail Limited (in Liqn.)
rep. by its Official Liquidator and another

...Respondents

Counsel for the Applicant: Mr.Rupendra Mahendra

Counsel for the respondents: Mr.M.Anil Kumar, SC for OL

The Court made the following:

Order:

This Company Application is filed for a direction to the Official Liquidator to hand over possession of shop Nos.103, 104 and 105 A admeasuring 1000 square feet and Shop Nos.105B, 106 and 107 admeasuring 1000 square feet in the first floor of the premises bearing No.6-3-650, situated in Maheshwari Chambers, Somajiguda, Hyderabad, by raising attachment.

The Official Liquidator has filed his report wherein he has *inter alia* stated as under:

“That, upon perusal of the sale deeds so furnished by the petitioner herein and revealed that the petitioner has purchased the scheduled property from Smt.Sulochana Devi and Kum.Sumalatha Devi under Registered Sale deed Nos.2037/1997 and 2040/1997 was executed on 16-10-1997 and the said scheduled property was leased out to M/s.PCH Retail Limited the company in liquidation on 22-04-2006. Subsequently, it appears from the letter, dated 19-01-2015, addressed by the authorized representative of the company that the company had decided to terminate the agreement, dated 22-04-2006, and requested the lessee to take possession with effect from 15-02-2015, which is the date subsequent to the winding up order made on 10-09-2014. The authorized signatory doesn't having any right to issue such notice after passing the winding up order. Later on, the applicant entered lease deed with M/s.Nanesh Finance Corporation on 15-02-2015.

The Official Liquidator humbly submits that, on verification of the documents filed by the petitioner, the Official Liquidator feels that the property belongs to the petitioner and the same is not needed for carrying out liquidation proceedings. Hence, the Official Liquidator is not having any objection to remove the seal affixed by the Officials of Official Liquidator's Office.”

In view of the stand taken by the Official Liquidator in the above-reproduced part of his report, the Company Application is allowed as prayed for.

(C.V.Nagarjuna Reddy, J)

Dt: 29th June, 2015
LUR