

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
OFFICIAL LIQUIDATOR'S REPORT NO. 116 OF 2016
IN
COMPANY PETITION NO. 454 OF 1998

In the matter of Companies Act,
1 of 1956;
and
In the matter of M/s.Parasrampur
Industries Ltd. (In Liquidation)

M/s.J.K. Credit & Finance Ltd.

...Petitioner

Ms.Yogini Chauhan, Dy.Official Liquidator for Petitioner.
Mr.Rohit Gupta with D. Chaurasia, Krupa Mehta and Megha Neel I/b. M.K.
Ambalal & Co. for Deutsche Bank.
Mr.C.N. Mehta I/b. MML Law Associates with S.M. Pande, authorised
representative of the offerer, M/s.Laxmi Technical Textile Pvt.Ltd.

CORAM : S.C. GUPTE, J.

4 MAY 2016

P.C. :

This report seeks directions for sale of an immovable property in liquidation proceedings. The property consists of Plot No.8, Government Industrial Estate, Piparia, Phase-II, Silvassa, Union Territory of Dadra & Nagar Haveli. The terms of sale approved by this court were advertised. Pursuant to the advertisement, there is only one offer received from a party. One M/s.Laxmi Technical Textile Pvt.Ltd., through its Advocates, MMK Law Associates, has sent its offer of Rs.1.50 crores along with a demand draft for a sum of Rs.37,50,000/- being 25% of the offer price. Since this is the only offer received in response to the public notice and the same is upto the reserved price fixed for the property, there should be no objection to accepting this offer. The secured creditor has no objection to this court accepting the offer.

The Official Liquidator has given a notice in the newspapers. A communication has been received from the administration of Dadra & Nagar Haveli indicating the dues owed by the company in liquidation to the Union Territory. There are dues payable to Dadra & Nagar Haveli Power Distribution Corporation towards arrears of outstanding electric charges in respect of the property under sale. As per the public notice for sale, all arrears of electricity dues or charges have to be borne by the Official Liquidator. Learned Counsel for Deutsche Bank, who is a secured creditor, objects to these charges being paid. He submits that these charges are neither covered under Sections 529, 529A and 530 of the Companies Act, 1956 nor create a charge on the property under Section 487 of the Companies Act, 1956. Bearing of these charges is a matter of conditions of sale, which have been approved by this court, and which have been duly notified to all third party bidders. In the premises, these expenses are necessary to be borne by the Liquidator as part of the liquidation exercise so that the property fetches the most competent price. Accordingly, these charges will have to be borne by the Liquidator upfront without reference to the priority claim of the electricity company in liquidation.

3 Considering the dues claimed by the administration of Union Territory of Dadra & Nagar Haveli, a notice was duly issued to the General Manager, Administration of Union Territory of Dadra & Nagar Haveli, District Industries Centre. Despite such notice, none appears for the General Manager.

4 Accordingly, the Official Liquidator's report is allowed in terms of the prayer clauses (a), (b), (c) and (e) save and except the bracketed portion.

(S.C. Gupte, J.)