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

**COMPANY APPLICATION NO. 679 OF 2015
IN
COMPANY PETITION NO. 420 OF 2014**

Mr. Abhijeet Balwant Rane	...Applicant
In the matter between	
The Greater Bombay Co-operative Bank Ltd.	...Petitioner
VS	
M/s Manthan Builders & Developers Pvt. Ltd.	...Respondent

.....
Ms Rita D Bhatia for the Applicant.
Mr Rushabh Shah a/w Mr H. Singh i/b Raval Shah & Co.for the Petitioner.
Ms Pratibha R. Assistant OL present.
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CORAM : B. P. COLABAWALLA J.

MARCH 30, 2016

P.C.:

This Company Application is filed by the applicant Mr Abhijit Balwant Rane, who is the Director of the Respondent Company seeking to raise the symbolic possession - attachment on the office premises No.B-4, Shiv Parvati, Off Chincholi Bunder Road, Malad (W), Mumbai 400 064. When this Company Application had come up on board on 6 May 2015, this Court after hearing the parties had directed the Official Liquidator to examine the claim of the Applicant. It is the case of the Applicant that this property belongs to the Applicant and not the Respondent Company and it is in these circumstances, that raising of symbolic possession - attachment is sought.

2 The Assistant Official Liquidator, who is present in Court, states that the office of the Official Liquidator has examined claim of the Applicant on the basis of the documents submitted by them in terms of the order dated 6 May, 2015 read with the order dated 16 February, 2016. She states that after examining these documents it appears that this property does not belong to the Respondent Company. Mr Shah, learned counsel appearing on behalf of the Petitioner bank also does not dispute this factual position.

3 In this view of the matter, the Company Application is allowed and the Official Liquidator is directed to raise the symbolic possession - attachment on the office premises No.B-4, Shiv Parvati, Off Chincholi Bunder Road, Malad (W), Mumbai 400 064. It is clarified that this order shall not be construed as an direction to any other authority for raising any attachment levied on this property. Such attachment, if any, shall continue. Since, only symbolic possession was taken by the office of the Official Liquidator, the Applicant is at liberty to take down the notice pasted by the Official Liquidator on the said property. With these observations, the Company Application stands disposed of. There shall be no order as to costs.

(B. P. COLABAWALLA J.)