

Nalawade

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

COMPANY APPLICATION NO.55 OF 2017
IN
COMPANY PETITION NO.20 OF 2014

Mohd. Maroof Safat Mohd. And ors. ...Applicants.

In the matter between
L & T Finance Limited. ...Petitioner.

vs.

Kaizer Wheels Pvt. Ltd. ...Respondent.

And

The Official Liquidator, High Court, Bombay
...Respondent.

Mr. Sheroo Kanuga with Ms. Anita Bhaktwani for the
Applicant.

Ms. S.I. Joshi with Ms. Jalpa P i/by S.I. Joshi & Co. for the
original petitioner.

Ms. Yogini Chauhan, Dy. Official Liquidator present.

CORAM :A.S.GADKARI, J.

DATE : 21st July, 2017

P.C.

1. This is an application for, handing over vacant and peaceful possession of the land bearing Gut No.33/3 1A situated at Village Kolkhe, Tal. Panvel, Dist. Raigad.

It is the case of the applicants that the applicants gave the said land to the company M/s. Kaizer Wheels Pvt. Ltd. (in liquidation) on lease for a period of 9-years. As the company (in liquidation) did not pay the debt of the petitioner, the petitioner filed the present company petition

for winding up of the company (in liquidation). By an order dated 24.11.2014 this Court allowed the said petition and directed that the company be wound up. The record indicates that after the said order dated 24.11.2014 the Official Liquidator has taken charge of the properties of the company including the shed and machinery situated on the said piece of land. The liquidator has also taken the possession of the leased land beneath it. In these circumstances, the applicant has filed the present application for handing over the vacant and peaceful possession of the aforestated land.

2. The Official Liquidator has filed reply dated 13.7.2017. In the said reply it has been categorically stated that the office of the Official Liquidator has verified the claim of the applicant and it revealed that the applicant is the lessor/occupier of the aforestated property and the company (in liquidation) is not the owner of the said property. It is further stated that the shed erected thereon and the movables situated therein belongs to the company (in liquidation).

In view of the above, I am inclined to allow the application

Hence, the following order.

a) The Official Liquidator is hereby directed to hand over the vacant and peaceful possession of the suit land bearing Gut No.33/3 1A situated at Village Kolkhe, Tal. Panvel, District Raigad to the applicants within a

period of 4-months from today without seeking any further extension.

b) The Official Liquidator is also directed to take expeditious steps for selling the material used for erecting the shed and the machinery lying on the said plot of land within the said stipulated period, with a view to hand over the possession to the applicants.

3. At this stage Mr. Kanuga learned counsel appearing for the applicant submitted that the applicant may be permitted to participate in the process of auction of the said shed and machinery. He further submitted that the applicants are interested in purchasing the shed erected on the plot of land and his client will make an attempt to give higher bid for the said shed. The said statement is accepted.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)