

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(IN INSOLVENCY)

TUESDAY, THE 12th DAY OF DECEMBER 2017

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

APPLN. No.150 of 2017

in

IP. No.117 of 2010

In the matter of the Presidency
Towns Insolvency Act, III of 1909
and In the matter of
A. Ghouse Basha ... Debtor

IP NO. 117 of 2010

A. Ghouse Basha
S/o. A. Abdul Munnaff
residing at No.8, Dooming Lane Santhome,
Chennai - 600 004. ... Petitioner

Appln. No.150 of 2017

The Official Assignee
High Court, Madras ... Applicant
-VS-

- 1.A.Ghouse Basha,
S/o.A.Abdul Munnaff,
No.8, Dooming Lane Santhome,
Chennai 600 004. ... 1st Respondent/Insolvent
- 2.The Assistant Commissioner of income tAx,
Non Corporate Range-1,
Wanaparthi Block (New Block),
No.121, Mahatma Gandhi Road,
Chennai 600 034. ... 2nd Respondent
- 3.A.Shamshad Begum,
D/o.A.Abdul Munaff,
No.30, Ranjith Road,
Kotturpuram,
Chennai 85. ... 3rd Respondent
- 4.The Assistant Commissioner of income tAx,
Non Corporate Range-2,
Wanaparthi Block (New Block),
No.121, Mahatma Gandhi Road,
Chennai 600 034.. ... 4th Respondent

Application praying that this Hon'ble Court be pleased to direct to pay the tax liabilities along with interest of the co-sharer of the properties Mrs.A.Shamshad Begum, the 3rd Respondent herein with respect to the sale of immovable property and the proceeds being used for payment of debts due to Board of Creditors of the insolvent for the Assessment Year 2015-16 on the conditional consent given by the Non-Insolvent co-sharer to pay her taxes from the sale proceeds.

This application coming on this day before this Court for hearing in the presence of Mr.J.Balachander, advocate for the Official Assignee, the applicant herein and Mr.Rajkumar Paul, advocate for the 1st Respondent/Insolvent herein and upon reading the Judges Summon and report of Official Assignee filed herein and

THE COURT MADE THE FOLLOWING ORDER :

This application has been taken out to permit the Official Assignee to pay the tax liabilities of the co-sharer of the properties Mrs.A.Shamshad Begum in respect of the sale of immovable property. It is not in dispute that the proceeds of the sale of the immovable property of which the 3rd respondent Mrs.A.Shamshad Begum is a co-sharer along with the insolvent has been utilised for payment of debts due to the General Body of the creditors of the insolvent. However, she had given her consent for sale of 50% of share also on condition that the Official Assignee would pay the

tax liability that may arises out of the same. Therefore, it is the duty of the Official Assignee to discharge the tax liability that arises on the sale of the property for the Assessment Year 2015-2016. Hence, this application is ordered and the Official Assignee is directed to discharge the tax liability arising out of the sale of the 50% share of the 3rd respondent Mrs.A.Shamshad Begum, for the Assessment Year 2015-2016. This application is ordered accordingly.

WITNESS, THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 12TH DAY OF DECEMBER 2017.

SD/-
ASSISTANT REGISTRAR
Original Side - I

//CERTIFIED TO BE TRUE COPY//
DATED THIS THE DAY OF 2018

MANAGER
INSOLVENCY OFFICE
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

cns - 24.01.2018

HIGH COURT , MADRAS

APPLN. No.150 of 2017
in
I.P. No.117 of 2010

THE HON'BLE MR.JUSTICE

R.SUBRAMANIAN

ORDER DATED: 12.12.2017

FOR APPROVAL: 25/01/2018/
06/02/2018

APPROVED ON : 07/02/2018

COPY TO:

THE OFFICIAL ASSIGNEE
HIGH COURT,MADRAS.