

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
OFFICIAL LIQUIDATOR'S REPORT NO.18 OF 2018
IN
COMPANY PETITION NO.20 OF 2014**

In the matter of Companies Act,
I of 1956

And

In the matter of Kaizen Wheels
Private Limited (In Lqn.)

L & T Finance Limited

....Petitioner

Mr. Vinod Sharma, Official Liquidator present.

Mr. S.P. Kanuga for Mr. Abdulmanan Navajasali Khan, applicant in
CA/55/2017 and successful bidder.

CORAM : K.R.SHRIRAM, J.

DATE : 31st JANUARY, 2018

PC.:

1 Pursuant to order dated 29th November, 2017, Official Liquidator published sale notice in Free Press Journal (in English) and Navshakti (in Marathi) on 22nd December, 2017. As directed by this Court, the reserve price was not indicated. Based on the notice, various parties have, I am told, took inspection. 39 parties made offers. In addition to this 39, one more party made an offer. He represented by Mr. Kanuga, viz., applicant in company application no.55 of 2017 in company petition no.20 of 2014 – Mr. Abdulmanan Navajasali Khan. Mr. Kanuga states that this person is the lessor of the land on which the movables, which are put up for auction, are situated.

2 The 39 offers received were in sealed envelopes and the same were opened by Official Liquidator in Court. Official Liquidator gave a chart indicating offer made by each party. So far as three parties, viz., Modern Trading Company, R.K. Traders and M.S. Enterprises are concerned, the offer letter did not clearly indicate what the offer was. Their names were called out by Official Liquidator but nobody appeared for them.

3 When the offers were first considered, the highest offer was from Aayeekay Enterprises for Rs.16 lakhs. Each of the offerer was allowed to bid higher. Upto Rs.20 Lakhs, the bids were in multiples of Rs.1 Lakh and after Rs.20 Lakhs, it was made in multiples of Rs.2 Lakhs and after Rs.50 Lakhs, it was made in multiples of Rs.5 Lakhs.

4 The last and final offer that was received was from Mr. Kanuga representing Mr. Abdulmanan Navajasali Khan, carrying on business as sole proprietor of Timber and Steel, 11/116, Sunderdas Compound, Opp. Reay Road, Rly. Station (W), Mumbai – 400 010 (PAN No.AADPK6602P), for Rs.1 Crore. Taking into account the facts and circumstances of the case and the fact that if the movables have to be re-auctioned, it will entail delay and cost, the Court was inclined to accept this offer of Rs.1 Crore. Mr. Abdulmanan Navajasali Khan through Mr. Kanuga gives a personal undertaking that he will not back out from this

offer and will make the payment as per the terms and conditions. Undertaking accepted.

5 I have considered the valuation report dated 22nd August, 2017 given by V.S. Jadon and Co., Valuers LLP for the civil structure/shed on as is there is basis and another valuation report dated 6th September, 2017 for movable assets on as is there is basis. The valuation of the civil structure is estimated as Rs.74,21,300/- on as is where is basis and the value does not include value of land. The movables are valued at Rs.32,75,800/-. These two figures totals to Rs.1,06,97,100/-. Rs.1 Crore is very close to the valuation report. If we have to re-auction, there will be cost incurred and it is possible that we may not fetch this price. Moreover, it appears that these movables have remained in this place exposed to the elements of nature since 2014 and any further delay will only cause deterioration.

6 In the circumstances, the offer of Mr. Abdulmanan Navajasali Khan is accepted. Official Liquidator's Report accordingly stands disposed in terms of prayer clauses – (a) and (b) which read as under :

(a) In view of para (14) of this report, whether this Hon'ble Court may be pleased to open the 39 offer(s), received from the offerer(s) and consider the same for confirmation or otherwise;

(b) If the above prayer is in the affirmative, whether this Hon'ble Court may be pleased to permit Official Liquidator to handover the movable assets and shed of the company (in Liqn.) situated at Gat No.33/3A, Village Kolkhe,

Mumbai-Poona Highway, Panvel, District : Raigad, to the successful purchaser on receipt of the entire purchase consideration.”

7 The bidder Mr. Abdulmanan Navajasali Khan is directed to deposit EMD of Rs.25 lakhs within 7 days and the balance within 21 days thereafter. Official Liquidator to return the EMD received from all the parties.

(K.R. SHRIRAM, J.)