

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

**COMPANY APPLICATION NO.82 OF 2018
IN
COMPANY PETITION NO.773 OF 2000**

Umesh Gandhi)....Applicant

IN THE MATTER BETWEEN :

M/s.Ashok Leyland Finance Pvt.Ltd. & Anr.)....Petitioners
V/s.

The Official Liquidator of Nisarga Forest)
India Ltd. & Ors.)....Respondents

Mr.Mangesh Avhale I/by Sunil A.Humbre for the applicant.
Mr.Rajesh Patil I/by M.M.Kadam for respondent no.2.
[Mr.Mahendhar Aithe-Company Prosecutor for OL present].

CORAM : K.R.SHRIRAM,J

DATE : 29.8.2018

P.C.:-

1. Despite service, only respondent no.2 has remained present in court. Mr.Patil for respondent no.2 states that respondent no.2 has already lodged its claim with the Official Liquidator. Official Liquidator to consider the same and adjudicate it in accordance with law.

2 None of the respondents have filed any affidavit opposing the application. In my view, if any of the parties have any claim regarding the said flat prior to the date of confirmation of sale, those parties shall lodge their claim with the Official Liquidator within 4

weeks from today, if not already lodged, and the Official Liquidator shall consider the same in accordance with law.

3 In the circumstances, application allowed in terms of prayer clauses-(a), (b), (c) & (d) which read as under :-

“(a) That this Hon'ble Court may be pleased to pass an order thereby direct the Respondent No.2 to claim the outstanding society dues which are pending before the confirmation of sale from the Respondent No.1 i.e., Official Liquidator and transfer the Share Certificate in the name of Applicant in respect of property situated at Arihant Towers Sahakari Vyapari Sanstha Ltd., Room No.205/206, 2nd floor, Arihant Towers, C-wing, Malnaka (Old Naka), Opp. Sunstar Hotel, District :Ratnagiri-415 612 with the order and direction of this Hon'ble Court ;

(b) That this Hon'ble Court may please be direct the Respondent No.3, i.e., Ratnagiri Nagar Parishad to claim their outstanding dues which are pending before the confirmation of Sale from the Respondent No.1 i.e., Official Liquidator as per terms and condition of Sale and to enter the name of Applicant in Property Tax Receipt with the order and direction of this Hon'ble Court ;

(c) That this Hon'ble Court may direct the Respondent No.4 i.e., Talathi Zadgaon, Ratnagiri Municipality, Taluka & District-Ratnagiri to delete the Entry/appearing name of Nisarg Forest (I) Ltd., Ratnagiri, Government, Home Department, Mantralaya, Mumbai's Notification No.CII/05/2001/241/pol-12 dated 17 September, 2001 (10278) from the 7/12 extract of the said plot situated at Arihant Towers Sahakari Vyapari Sanstha Ltd, Room No.205/206, 2nd floor, Arihant Towers, C-Wing, Malnaka (Old Naka) Opp. Sunstar Hotel, District Ratnagiri, Pin-415 612 with the Order and direction of this Hon'ble Court ;

(d) That this Hon'ble Court may direct the Respondent No.5 i.e., Maharashtra State Electricity Board to claim their outstanding dues if any from the Respondent No.1 i.e., Official Liquidator and to issue new electricity connection in the name of Applicant in the Suit premises by the order and direction of this Hon'ble Court."

4 Mr.Patil states that the original share certificate has to be submitted by the applicant. Mr.Aithe-Company Prosecutor states that original share certificate has not been handed over by the company in liquidation. Therefore, Arihant Towers Sahakari Vyapari Sanstha Ltd. shall issue duplicate share certificate to the applicant with respect to the flat purchased by the applicant from the Official Liquidator and also transfer the share certificate to the applicant.

Application disposed.

Jahagirdar
Kiran
Ganesh

Digitally signed
by Jahagirdar
Kiran Ganesh
Date:
2018.08.30
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(K.R.SHRIRAM,J)