Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 134 OF 2017
IN
NOTICE OF MOTION NO. 155 OF 2017
AND
NOTICE OF MOTION NO. 31 OF 2017
IN
MISCELLANEOUS PETITION NO. 13 OF 2017

The Administrator General, Maharashtra State …Applicant
In the matter between
Vilas R Salgaonkar & Anr …Petitioners
Versus
Kishore M Kilpady & Anr …Petitioners in TP/862/17.

Mr VS Kapse, *i/b Rajesh Dharap, for the Petitioners in TP/862/2017.*
Mr MD Patil, *i/b K Ashar & Co., for the RBI.*
Mr Ameya S Tamhane, *for Respondent No. 1 in MPT/13/2017.*
Mr US Upadhyay, *AGP, for the Applicant.*
Mr SG Adake, *Administrator General, Maharashtra State, present.*

CORAM: G.S. PATEL, J
DATED: 15th February 2018

PC:-

1. Not on board. Mentioned. Taken on board.

2. The Administrator-General already holds in his hands a substantial amount of approximately Rs 1 crore. Pursuant to the previous directions he is likely to be in funds of further amounts. Mr Adake, the learned Administrator-General, draws my attention to the Administrator General (Maharashtra) Rules 1970 framed under the Administrators General Act 1963 and specifically Rule 28 regarding investment of cash balances. This rule permits the cash balance in his hands to be invested in a manner authorized by law for the time being in force relating to the investment of Trust Funds, or by way of fixed deposits in a nationalized bank, or by way of bonds, securities, units through a nationalized bank or a broker after taking brokerage and incentive against the said investment, if applicable.

3. Having regard to the facts of the case, I propose to allow the investment but only in a fixed deposit in a nationalized bank. For the present, no brokerage, commission or incentive is to be collected by the Administrator-General. An account will be maintained of these amounts of commission/brokerage/incentives. The reason is that I propose to make further orders at a later stage in regard to the fees payable to the Administrator General. Strictly speaking, the Administrator General's role in this matter stands concluded. His continuation for the purposes of investment is at my request in order to preserve the estate in *status quo*. Appendix I of these Rules deals with computation of fees. It may well be that at the final disposal of the testamentary proceedings, the fees will be either computed on this basis or perhaps an appropriate ad-hoc figure will be fixed. This question is left open until final orders in the suit.

4. The fixed deposit so ordered will be initially for a period of one year and renewed periodically thereafter until further orders of the Court.

(G. S. PATEL, J)