

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

**COMPANY APPLICATION NO. 411 OF 2016
IN
COMPANY PETITION NO. 663 OF 2014**

Seaco Global Limited	Applicant
V/S	
Fourcee Infrastructure Equipments Pvt. Ltd.	Respondent

**WITH
COMPANY PETITION NO. 663 OF 2014**

Seaco Global Limited	Petitioner
V/S	
Official Liquidator, H.C. Bombay,	
Fourcee Infrastructure Equipments Pvt. Ltd. (in Liqn) And 4 Ors.	Respondents

**WITH
COMPANY PETITION NO. 549 OF 2015**

Firststrand Bank Ltd.	Petitioner
V/S	
Fourcee Infrastructure Equipments Pvt. Ltd.	Respondent

**WITH
COMPANY PETITION NO. 1278 OF 2015**

Edelweiss Asset Reconstruction Company Limited	Petitioner
V/S	
Fourcee Infrastructure Equipments Pvt. Ltd.	Respondent

**WITH
COMPANY PETITION NO. 161 OF 2016**

M/s HDFC Bank Ltd.	Petitioner
V/S	
Fourcee Infrastructure Equipments Pvt. Ltd.	Respondent

WITH

COMPANY APPLICATION (LODGING) NO. 446 OF 2016
IN
COMPANY PETITION NO. 161 OF 2016

M/s HDFC Bank Ltd.	Petitioner
V/S	
Fourcee Infrastructure Equipments Pvt Ltd.	
(in Liqn.) And 2 Ors.	Respondents

WITH
COMPANY APPLICATION (LODGING) NO. 510 OF 2017
IN
COMPANY PETITION NO. 663 OF 2014

Ge Seaco Services Ltd.	Petitioner
V/S	
Fourcee Infrastructure Equipments Pvt Ltd.	
And Ors.	Respondents

WITH
COMPANY APPLICATION NO. 658 OF 2017
IN
COMPANY PETITION NO. 549 OF 2015

Firststrand Bank Ltd.	Applicant
V/S	
The Official Liquidator Of Fourcee	
Infrastructure Equipments Pvt. Ltd.	Respondent

Mr. Rahul Narichania, senior advocate a/w. Mr. Prathamesh Kamat, Mr. Gautam Bhatikar and Mr. Roshan Pinto i/b Kochhar and Co. for Petitioner CP/663/2014 and Applicant in CA/411/2016;

Mr. Jay Choksi i/b Law Frame for Noma Infrastructure Pvt. Ltd.

Mr. Anoop Bhamlani, Senior Advocate a/w Mr. B.S. Nagar, Mr. Bidan Chandran and Ms. Poonam i/b Global Law for Respondent Company and for Applicant in CAL/510/2017;

Ms. Debashree Dey i/b M/s. Desai & Diwanji for Petitioner in CP/1278/2015;

Mr. Parikshit Desai i/b Hiren Mehta for petitioner in CP/161/2016 and applicant in CAL/446/2016;

Mr. O. A. Das for Applicant in CA/658/2017 and for petitioner in CP/549/2015.

Mr. Mahindhar Aithe, company prosecutor for official liquidator.

CORAM : K.R.SHRIRAM, J.
DATE : 8TH JANUARY 2018

P.C.

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1 Shri Bhamlani, senior advocate appearing for Ex-directors of the company states that containers mentioned at Exh.'E' to the application do belong to/hypotheticated to applicant. Shri Bhamlani states that he has no objection if the application is allowed in terms of prayer clause (1).

2 Shri Aithe, company prosecutor for official liquidator states that the ex-directors have not provided any details in respect of these 248 containers.

3 Having heard Shri Das for applicant, Shri Bhamlani for ex-directors of the company and also having considered the affidavit in support and not finding any affidavit opposing the application, the application is allowed in terms of prayer clause (1). Prayer clause (1) and Exh.'E' read as under :

“(1) that this Hon'ble Court may be pleased to permit the Petitioners/Applicant to sell the containers more particularly stated in the Exhibit “E” hereto by Private sale, “as is where is basis”.

Exhibit "E"

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List of Containers (248 Nos.) taken as security			
Container	Container	Container	Container
FEPU2135688	FEPU2136710	FEPU2137150	FEPU2137211
FEPU2135712	FEPU2136771	FEPU2137187	FEPU2137188
FEPU2135728	FEPU2136920	FEPU2137248	FEPU2137398
FEPU2135733	FEPU2137103	FEPU2137192	FEPU2136806
FEPU2135749	FEPU2137401	FEPU2137227	FEPU2136859
FEPU2136452	FEPU2136690	FEPU2137253	FEPU2136885
FEPU2136576	FEPU2136848	FEPU2137171	FEPU2137016
FEPU2136410	FEPU2136874	FEPU2137206	FEPU2137280
FEPU2136629	FEPU2137320	FEPU2137232	FEPU2136863
FEPU2135857	FEPU2136642	FEPU2137280	FEPU2136981
FEPU2135862	FEPU2136792	FEPU2137274	FEPU2137021
FEPU2136597	FEPU2136853	FEPU2137309	FEPU2137084
FEPU2135815	FEPU2137000	FEPU2137335	FEPU2137290
FEPU2135800	FEPU2137037	FEPU2137361	FEPU2137356
FEPU2135902	FEPU2137124	FEPU2136621	FEPU2136703
FEPU2135623	FEPU2136555	FEPU2136658	FEPU2136758
FEPU2136513	FEPU2136344	FEPU2136684	FEPU2137090
FEPU2136010	FEPU2135846	FEPU2136745	FEPU2135825
FEPU2135965	FEPU2135883	FEPU2136832	FEPU2135707
FEPU2136615	FEPU2136426	FEPU2136966	FEPU2136299
FEPU2136540	FEPU2136318	FEPU2136982	FEPU2136899
FEPU2136257	FEPU2136004	FEPU2137042	FEPU2136494
FEPU2136282	FEPU2136180	FEPU2137079	FEPU2136128
FEPU2136278	FEPU2135967	FEPU2137130	FEPU2135893
FEPU2136429	FEPU2135991	FEPU2137314	FEPU2136365
FEPU2136434	FEPU2136025	FEPU2137340	FEPU2136820
FEPU2136440	FEPU2135944	FEPU2137377	FEPU2135641
FEPU2136455	FEPU2136391	FEPU2136837	FEPU2135918
FEPU2136706	FEPU2136350	FEPU2136724	FEPU2135678
FEPU2136711	FEPU2136370	FEPU2136750	FEPU2135563
FEPU2136727	FEPU2136302	FEPU2136935	FEPU2136679
FEPU2136732	FEPU2135039	FEPU2137058	FEPU2136866
FEPU2136748	FEPU2136508	FEPU2137118	FEPU2136671
FEPU2136753	FEPU2136486	FEPU2137145	FEPU2136667
FEPU2136768	FEPU2136473	FEPU2137382	FEPU2136692

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FEPU2138774	FEPU2138534	FEPU2137417	FEPU2136830
FEPU2138051	FEPU2136200	FEPU2136679	FEPU2135551
FEPU2138087	FEPU2136672	FEPU2136730	FEPU2138814
FEPU2138780	FEPU2138820	FEPU2136827	FEPU2139066
FEPU2138809	FEPU2138835	FEPU2136880	FEPU2139071
FEPU2138800	FEPU2138840	FEPU2136914	FEPU2139087
FEPU2135796	FEPU2138858	FEPU2136940	FEPU2139092
FEPU2136447	FEPU2138861	FEPU2136977	FEPU2138537
FEPU2135780	FEPU2138877	FEPU2137063	FEPU2138542
FEPU2135775	FEPU2138882	FEPU2136560	FEPU2138558
FEPU2136072	FEPU2138898	FEPU2136046	FEPU2138476
FEPU2136405	FEPU2138901	FEPU2136386	FEPU2138481
FEPU2136107	FEPU2138917	FEPU2136431	FEPU2138497
FEPU2135780	FEPU2138922	FEPU2136176	FEPU2138500
FEPU2136133	FEPU2138938	FEPU2136283	FEPU2138516
FEPU2138149	FEPU2138943	FEPU2135754	FEPU2138521
FEPU2136154	FEPU2138959	FEPU2136468	FEPU2138584
FEPU2135950	FEPU2138964	FEPU2135636	FEPU2138590
FEPU2138339	FEPU2138970	FEPU2136581	FEPU2138603
FEPU2136180	FEPU2138985	FEPU2135886	FEPU2138619
FEPU2136196	FEPU2138990	FEPU2136030	FEPU2138624
FEPU2136323	FEPU2139003	FEPU2136093	FEPU2138630
FEPU2136215	FEPU2139019	FEPU2136112	FEPU2138645
FEPU2136220	FEPU2139024	FEPU2136787	FEPU2138660
FEPU2136236	FEPU2139030	FEPU2136811	FEPU2138088
FEPU2136241	FEPU2139045	FEPU2136909	FEPU2135970
FEPU2138460	FEPU2139050	FEPU2136998	FEPU2138765

LIST OF SECURED ASSETS FOR THE WORKING CAPITAL DEMAND LOAN FACILITY

Security offered

For WCDL Limits and its sub-limits

- First pari-passu charge on current assets of Fources Infrastructure Equipments Pvt. Ltd.



TRUE - COPY

O. A. DAS
B. Com., LL. B.
Advocate High Court



4 The company application accordingly disposed.

**COMPANY APPLICATION NO. 411 OF 2016
IN
COMPANY PETITION NO. 663 OF 2014**

5 Mr. Bhamlani, senior advocate appearing for Ex-directors, on instructions, states that Ex-directors have no objection if the containers are returned to the applicant/petitioner subject to they satisfying the official liquidator that the containers actually belong to the them.

6 The official liquidator though served a copy of this application more than three months ago, has not filed any affidavit opposing the application.

7 Be that as it may, the official liquidator can take possession only of those assets that belonged to respondent company. If applicant/petitioner is able to submit evidence to the official liquidator that the assets which the official liquidator has taken possession of, either physical or symbolic, actually belong to applicant/petitioner and not the company, or are either owned by applicant/petitioner or taken on demise or under some other agreement or arrangement from third party and given to respondent-company for use under the agreement which is the subject matter of the company petition, the official liquidator to hand over those containers.

9 Company Application accordingly disposed.

10 Rights of Depots/Yards where the containers are stored to charge such ground rent for those containers are kept open.

**COMPANY APPLICATION (LODGING) NO. 510 OF 2017
IN
COMPANY PETITION NO. 663 OF 2014**

Stand over to 30th January 2018. To be listed only if all objections are removed and application is numbered.

(K.R. SHRIRAM, J.)