

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

COMPANY APPLICATION NO.9/2017 IN
OFFICIAL LIQUIDATOR REPORT NO.51/2012
IN COMPANY PETITION NO.5/2001

Pravin Gangadhar Dhone ..vs.. Official Liquidator

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. S. Tiwari, Advocate for applicant.
Mr. Anjan De, Advocate for non applicant.

CORAM : S. B. SHUKRE,
DATED : JUNE 29, 2018

1. Heard.
2. This application is claiming refund of TDS amount deposited by the auction purchaser at the time when he tendered his bid, which was ultimately accepted by the authorities. Learned counsel for the applicant submits that since the sale deed has been executed about more than 2 years after the deposit of the entire purchase value of the plot in question, the applicant has become entitled to receive interest on the TDS amount.
3. This has been opposed to by the learned counsel for the non applicant insofar as payment of interest is concerned, though there is no objection in refunding the amount of TDS, deposited by the applicant.

4. As regards the claim of interest, I must say that unless a right has been conferred upon the auction purchaser in the terms and conditions of the sale to claim interest on the TDS amount, such a claim cannot be granted by this Court. On going through the terms and conditions of the sale, I could not come across any such right having been created in favour of the auction purchaser. Learned counsel for the applicant also could not show to me creation of any such right in favour of the applicant. Therefore, while prayer for refunding of the TDS amount can be granted, the further prayer for grant of interest on the said amount cannot be allowed.

5. In the result, the application is partly allowed. The non applicant is directed to refund the TDS amount deposited by the applicant, forthwith.

The application is disposed of.

JUDGE