

HON'BLE SRI JUSTICE S.V.BHATT

Company Application No.753 OF 2012

In

Company Petition No.57 OF 1999

ORDER:

One Sudha Agrawal, a stranger to the affairs of Srsilk Limited has moved the present Judge's summons for the following prayer:

“ to direct the respondent to allot Quarter No.TRT 242/61, Sri Silk Colony, Siripur Kakajnagar, Adilabad District in favour of the applicant by collecting the necessary charges..”

The case of applicant is that she is in possession of Quarter No.TRT 242/61 belonging to Srsilk, company in liquidation. The applicant claims to be in possession of the property from 1994 onwards. The basis for present claim is permission said to have been granted by the General Manager of Srsilk Limited to applicant to stay in the quarter. The permission though referred to in the affidavit, no documentary evidence warranting further consideration is filed by the applicant, except the averment in the application. The applicant claims to have on her own volition carried out repairs to the subject quarter. Though she does not have vested or recognised right still by virtue of alleged possession for 18 years, and repairs were carried out, the applicant prays for the relief referred to above.

The Official Liquidator filed report and the stand of the Official Liquidator is that the Quarter No.TRT 242/61 was allotted to late Shamalkanti Dutta (SK Dutta), ex-employee of the company in

liquidation. One Purnima Dutta filed C.A. No.1396 of 2007 for allotment and registration of the subject quarter in her favour. The application was ordered by this Court and sale deed was executed by Official Liquidator on 30.12.2011. Therefore, in other words, the Official Liquidator objects to considering the prayer with this preliminary objection and prays for dismissing the application. Further it is contended that the applicant herein being a third party, to the affairs of company in liquidation, cannot pray for a direction for allotment of quarter in the same manner as was allotted by this Court to the employees of the company.

I have perused the application and the report. This Court ought not to exercise its discretion to allot property belonging to company in liquidation firstly to third parties without public auction. Assuming without admitting that a few quarters including the subject quarter are available for allotment, these properties of the company will have to be sold and proceeds realised and administered in accordance with law, but not to allot by exercising the discretion of the Court. I am not persuaded to consider the prayer.

The Application fails and is dismissed.

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S.V.BHATT, J

Date:14.03.2018  
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