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

**NOTICE OF MOTION NO. 24 OF 2019
IN
INSOLVENCY PETITION NO.20 OF 1991**

Prafulla Ashwin Sanghrajika	... Applicant / Insolvent No.2
<i>In the matter between</i>	
Arvind A. Shah & Ors.	... Insolvents
Exparte	
Kailash Bharatkumar Shah	... Petitioning Creditor

Mr. A.P. Bagwe, for the Insolvent.
Mr. M.D. Narvekar, Official Assignee present.
Mr. E.B. Shivkumar, Deputy Official Assignee is present.

CORAM:	R. I. CHAGLA, J.
DATE:	17TH SEPTEMBER, 2019

PC:-

1. This Notice of Motion has been taken out for annulment of the insolvency under Section 21(1) of the Presidency Towns Insolvency Act, 1909 on ground of full payment.
2. The learned Counsel for the insolvent states that the claims lodged with the Official Assignee by the claimants / creditors have been paid in full by the well wisher of the insolvent. The Official Assignee states that there is payment of the commission of the

Official Assignee of an amount of Rs.1,35,577.12, which remains yet to be paid by the well wisher of the insolvent.

2. The prayer clause (a) of the Notice of Motion is granted subject to payment of the said sum of Rs.1,35,577.12, which shall be paid by the well wisher of the insolvent within a period of one week from the date of this order. The Notice of Motion is disposed of in the above terms with no order as to costs.

3. On receipt of the sum of Rs.1,35,577.12 by the Official Assignee, the Official Assignee is permitted to use out of the said sum, the sum of Rs.35,000/- for administrative expenses and the balance shall be the Official Assignee's commission.

(R I. CHAGLA, J.)