

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 320 OF 2019
In
COMPANY PETITION NO. 418 OF 2016

Sunita Yogesh Maru & Anr. Applicants
IN THE MATTER BETWEEN
Bhavesh K. Sheth,
Karta and Manager of Bhavesh K. Sheth HUF Petitioner
VERSUS
The Official Liquidator of
Rusam Developers Pvt. Ltd. (In Liqn.) Respondent

Ms. Sheeja John, i/b. M/s. M.P. Savla & Co. for the Applicant.

Mr. B.B. Parekh for the Petitioner.

Ms. Shraddha Chheda, i/b. M/s. Navdeep Vora and Associates for the Plaintiffs in Suit No. 650 of 2015 and Suit No. 911 of 2015.

Mr. Chirag Kamdar, a/w. Ms. Apeksha Munot, Ms. Heena Goradia, i/b. M/s. Wadia Ghandy & Co. for M/s. Runwal Realty Private Limited.

Mr. Suhas Sawant - Deputy Official Liquidator present.

CORAM : R.D. DHANUKA, J.

DATE : 16th JANUARY, 2020

P.C.

In a separate suit filed by one of the party, this court has already appointed court receiver in respect of the property described in prayer clause (b) of the company application. Mr. Parekh, learned counsel appearing for the petitioner informs that the plaintiff in that suit had applied for leave under section 446(1) of the Companies Act, 1956 to continue the proceedings against the Official Liquidator. The said application was rejected by this court.

2. Insofar as prayer clause (a) is concerned, the applicant seeks interest at the rate of 18% per annum on the adjudicated claim. Learned Official Liquidator states there there is no surplus amount available. The claim of interest can be kept on hold till all the assets are realized and liabilities are ascertained.

4. Official Liquidator is directed to submit a report before this court insofar as prayer for taking possession of the property described in prayer clause (b) is concerned. A copy of such report shall be served upon the learned advocate appearing for the petitioner, the applicant to this company application, the parties who are found in possession of the said property and also the Court Receiver, High Court, Bombay. Any further order about recovery of the possession in that report directed to be filed, would be passed only after hearing the parties concerned.

5. Civil application is disposed of in the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]