

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

CIVIL APPLICATION (CAO) NO. 478/2021 IN CIVIL APPLICATION (L) NO. 20/2018
IN OFFICIAL LIQUIDATOR REPORT NO. 15/2016 IN COMPANY PETITION
NO. 05/2001

Sau Sunita w/o Gopal Jhunjhunwala and another V/s The Official Liquidator.

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.L. Khapre, Senior Advocate with Shri D.R. Khapre, Advocate for applicants.
 Dr. Shri Anjan De, Advocate for Respondent (Official Liquidator)

CORAM : S.M. MODAK, J.

DATE : 06/10/2021.

1. I have heard learned Senior Advocate Shri R.L. Khapre for successful bidders/applicants and learned Advocate Shri Anjan De for Official Liquidator.

2. On the last date and today also, the matter was adjourned as parties have exchanged draft of sale-deed. Today, it is submitted that it is exchanged and there is consensus amongst both of them about the draft sale-deed.

3. These applicants have bidden for the purchase of Plot No. 46. Their purchase is also confirmed by this Court as per the order passed on 10/08/2018 passed in Official Liquidator Report No. 15/2016.

4. Earlier to 04/05/2016 Plot No. 46 was B-tenure land. However, learned Collector, Akola has passed an order on 04/05/2016. Copy of the order is filed along with the

application. Earlier to this order, Plot No. 46 and other plots being of B-tenure could not be sold without permission of the Government. The learned Collector as per that order has made one modification. Instead of the original plots, he has replaced other plots of land. In the new plots, the learned Collector has deleted Plot No. 46. Even Deputy Director of Land Records, Akola as per his letter dated 11/12/2018 addressed to Official Liquidator has confirmed that plot No. 46 does not continue to be B-tenure land.

5. The effect of the said order is Plot No. 46 can be sold without permission of the Government.

6. The Official Liquidator as per his letter dated 19/07/2021 have informed to the applicants to deposit balance sale confirmation amount to the tune of Rs. 81,91,000/-. The applicants vide their letter dated 02/08/2021 have informed about payment of entire consideration. The details are given in the said letter. They have enclosed demand draft to the tune of Rs. 80,99,990/-. An amount of Rs. 91,010/- is deducted towards tax at source. Certificate is handed over to the Official Liquidator. He admits both the things. In this manner, entire consideration is paid.

7. It is true that there was delay in paying the amount of consideration. As the said land is B-tenure land and some time took place in pursuing with the learned Collector for passing

necessary order and that is why the amount of consideration could not be paid in time. In view of that, delay in paying the amount of consideration is acceptable.

8. Even though, there is an order passed by the learned Collector yet the effect is not given on the property card. The Official Liquidator assures to get the correction on the property card. In view of that following order is passed :-

ORDER

- a) The Official Liquidator is directed to execute the sale-deed in respect of Plot No. 46, Taluka and District Akola, containing the consideration of Rs. 91,01,000/- (Rupees Ninety One Lakh One Thousand Only) as early as possible and in any case not later than one month from the date of correction of the record, thereby deleting B-tenure from the property cad of plot No. 46.
- b) Both the parties are directed to fix the date of execution and registration of the sale-deed by mutual consent.
- c) Application is disposed of.

JUDGE