

**IN THE HIGH COURT OF JUDICATURE AT PATNA
COMPANY APPEAL(DB) No.1 of 2022**

**In
COMPANY PETITION No.1 of 1996**

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Guddu Kumar Son of Sri Ishwari Singh, Resident of Barah Pathhar Gali No. 16, Dehri, P.S.-Dehri-on-Sone, District-Rohtas at Sasaram.

... .. Appellant/s

Versus

1. Dehri Rohtas Light Railway Company Limited (In Liquidation) through the Official Liquidator, High Court, Patna, having its office situated at 4th Floor, A Block, Maurya Lok Complex, Dak Banglow Road, Town and District Patna.
2. Santan Pathak, son of Late Bhuvneshwar Pathak, Resident of Main Road, Tandwa, Ward No. 19, P.S. Garhwa, District-Garhwa, Jharkhand-822114.
3. Jogender Singh, son of Sri Arvind Singh, Resident of Flat No. 411, Tangrilla Apartment, Narsingi Behind Narsingi Steel Factory, Narsingi, Machirevuka K.V. Ranga Reddy, Telangana-500075.

... .. Respondent/s

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with
COMPANY APPEAL(DB) No. 2 of 2022
In
COMPANY PETITION No.1 of 1996

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Santan Pathak Son of Late Bhuneshwar Pathak Resident of Mian Road, Tandwa, Ward No.- 19, P.S.- Garhwa, District- Garhwa, Jharkhand- 822114.

... .. Appellant/s

Versus

The Official Liquidator, High Court, Patna Mauryalok Complex, A Block, 4th Floor, Dak Bunglow Road, Patna- 800001.

... .. Respondent/s

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Appearance :

(In COMPANY APPEAL(DB) No. 1 of 2022)

For the Appellant/s : Mr.Alok Kumar Agrawal, Advocate

For the Respondent/s : Mr.Gautam Kumar Kejriwal, Advocate

(In COMPANY APPEAL(DB) No. 2 of 2022)

For the Appellant/s : Mr.Yogendra Kumar Singh, Advocate

For the Respondent/s : Mr.Gautam Kumar Kejriwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 17-05-2022 The present appeals, filed against the order dated
15.04.2022, passed by the learned Single Judge, has been



impugned, operative part thereof reads as under:-

“The highest bidder who had deposited the amount apart from EMD, shall be entitled to refund of the same which he may obtain within 15 days from the office of the Official Liquidator. It is made clear that the fresh auction shall in no manner be influenced by the earlier auction conducted. The I.As. No. 24, 25 and 26 of 2022 are accordingly, disposed of. At this stage the learned counsel appearing for the highest bidder as well as second highest bidder are ad idem to the proposal that the EMD amount should be enhanced to 25% of the reserved price in order to have only genuine buyers participating in the bid. Item No. (ii) I.A. No. 23 of 20221 with O.L.R. No. 4 of 2021

Official Liquidator to file reply.

List this case again on 22.04.2022.”

We feel that all parties in both the appeals should be allowed to participate in fresh auction slated for tomorrow, a proposal to which the Appellants are not averse to.

Accordingly, both the appeals stand disposed off.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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