

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.32425 OF 2022
IN
COMPANY PETITION NO.114 OF 2012**

ATC Telecom Infrastructure Pvt. Ltd. ... Applicant
and
Etisalat Mauritius Ltd. ... Petitioner
and
The Official Liquidator of M/s. Etisalat
DB Telecom Pvt. Ltd. (in liqn.) and Ors. ... Respondents

WITH

OFFICIAL LIQUIDATOR REPORT NO.147 OF 2022

Mr. D.S.Patil, for Applicant.

Ms. Mansi V. Kaku with Ms. Meetali Mendhe, Legal Advisor to the
Official Liquidator.

Mr. Anil Bagure, Asstt. Official Liquidator, present.

CORAM: N.J.JAMADAR, J.

DATE: 14th DECEMBER 2022

P.C.:

1. Heard the learned Counsel for the Applicant.
2. This Application is preferred by the Applicant who had provided infrastructure services to the company in liquidation seeking directions to take custody of the assets of the company in liquidation and also adjudicate the claim of the Applicant for expenses incurred by the Applicant towards rent, security charges for securing the equipments of the company in liquidation for the period commencing from October, 2012.

3. The learned Counsel for the Official Liquidator seeks leave to tender Affidavit in Reply.

4. Leave granted.

5. Affidavit in Reply is taken on record.

OFFICIAL LIQUIDATOR REPORT NO.147 OF 2022

6. The Official Liquidator has also filed OLR No.147 of 2022 seeking directions of the Court for the sale of the assets of the company in liquidation. In the said report, the Official Liquidator also seeks ratification of its action of appointing V.S.Jadon and Co. Valuers LLP, to carry out the valuation of the assets of the company in liquidation and pay the professional charges of the valuer. In addition, the Official Liquidator seeks directions to ATC Telecom Infrastructure Ltd., - Applicant in IAL 32425 of 2022 to render necessary cooperation in the sale and final disposal of BTS equipment.

7. The learned Counsel for the Applicant submits that the Applicant is not averse to the grant of reliefs in the Official Liquidator Report. In fact, the reliefs prayed for by the Official Liquidator in Paragraph 34 of the Official Liquidator Report takes care of the grievance of the Applicant so far as the prayer clause (a) in the Application.

8. I have perused the valuation report submitted by V.S.Jadon and Co. Valuers LLP in a sealed cover. The Official Liquidator Report stands allowed in terms of prayer clause (a) to (e).
9. The reserve price of the assets i.e. BTS equipment and Antena and other paraphernalia is fixed at Rs.8 Lakhs. EMD shall be Rs.80,000/-.
10. ATC Telecom Infrastructure Pvt. Ltd. - Applicant in IAL 32425 of 2022 shall furnish information which it possesses regarding rest of the sites referred to in Para 27 of the Report.
11. The Official Liquidator Report stands disposed.
12. In view of the disposal of the Official Liquidator Report, prayer clause (a) in the Application stands worked out. The Applicant is at liberty to file claim before the Official Liquidator, as regards prayer clauses (b) and (c) in the Application. The Official Liquidator shall adjudicate the claim in accordance with law.
13. All contentions of the parties are kept open including the admissibility of the claim to be lodged by the Applicant.
14. With the aforesaid directions, the Interim Application (L) No.32425 also stands disposed.
15. The report is resealed.

(N.J.JAMADAR, J.)