

**IN THE HIGH COURT OF JUDICATURE AT PATNA
COMPANY APPEAL(DB) No.3 of 2022**

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

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

... .. Appellant/s

Versus

1. The Official Liquidator, High Court, Patna Mauryalok Complex, A Block,
4th Floor, Dak Bunglow Road, Patna- 800001.
2. Sri Sri Pawan Kumar @ Pawan Jhunjhunwala Son of Sri Girdhari Lal
Jhunjhunwala Resident of Ward No.- 36, Bara Patthar, Gali No.- 9, Dehri,
P.S.- Dehri, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kumar Singh
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

7 02-08-2023 In the instant petition, the appellant has prayed for

the following relief:-

*1. That this Memo of Appeal on behalf of the
Appellant is directed against the order dated 18-5-2022
passed in Company Petition No. 1 of 1996 by Hon'ble Mr.
Justice Sanjeev Prakash Sharma by which the Hon'ble
Company Judge has been pleased to accept provisionally
the offer of Rs. 8,20,00,000/- of the respondent no. 2 in the
Bid which was held on 18-5-2022 itself before the Hon'ble
Court.*

2. The one and only contention raised by the appellant
in support of challenge to the order dated 18.05.2022, passed in



Company Petition No. 01 of 1996 that the learned Company Judge has provisionally accepted the offer of Rs.8,20,00,000/- of the respondent no. 2 in the auction with reference to the bid which was stated to have been held on 18.05.2022, when Respondent No. 2 was facing criminal proceedings.

3. The appellant's contention is that respondent no. 2 is not entitled to participate in auction proceedings in view of his antecedents that he is involved in criminal case. The appellant could not apprise this Court to the extent that is/was there any prohibition against a person, who is facing criminal proceedings is not entitle to participate in auction proceedings?

4. Such a condition has not been pointed out in the auction proceedings. Therefore, there is no infirmity and the contention of the petitioner that respondent no. 2 is involved in criminal case and he is not entitle to participate in bid is untenable.

5. Accordingly, the present Company Appeal stands dismissed.

(P. B. Bajanthri, J)

Amrendra/ashish
kr/-

(Jitendra Kumar, J)

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