

**IN THE HIGH COURT OF JUDICATURE AT PATNA
COMPANY APPEAL(DB) No.5 of 2022**

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

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Reetesh Kumar Son of Sri Manoj Kumar Singh, Resident of- 9337 Sector C
PKT 9 Vasant Kunj, South West Delhi, Delhi 110070

... .. Appellant/s

Versus

1. Dehri Rohtas Light Railway Co (In Liquidation) through the official Liquidator.
2. The Official Liquidator, High Court, Patna Mauryalok Complex, A Block, 4th Floor, Dak Bunglow Road, Patna 1

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Amrendra Narayan Rai, Advocate
		Mr. Sanjay Singh, Sr. Advocate
For the Respondent/s	:	Mr. Gautam Kejriwal, Advocate

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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)

5 01-08-2023 In the instant petition, petitioner has prayed for the
following reliefs:-

*"(I) Against the order dated
24.06.2022 passed by Hon'ble Mr.
Justice. Sanjeev Prakash Sharma in
Company petition No. 01 of 1996
relating to I.A no 19 of 2019 by which
Hon'ble Company Judge has directed
that earnest money amount be
forfeited and the Official Liquidator
shall now get the property evaluated
put the same for auction.*

*(II) Against the order dated
01.09.2022 passed by Hon'ble Mr.
Justice, Sanjeev Prakash Sharma in
Company petition No. 01 of 1996 by*



which Hon'ble Company Judge has been pleased to dismiss the I.A no 27 of 2022 which was filed by the Appellant for modify/review the order dated 24.06.2022.

(III) Appellant also prays for either direct the Official Liquidator to accept the entire due amount within a week and confirm the sale or refund the earnest money deposited by the Appellant."

2. The learned Company Judge rejected the Interlocutory Application No. 19 of 2019 on 24.06.2022. One of the reason for rejection was that the appellant-Reetesh Kumar stated to have been not deposited the amount as the land was not mutated and further made an observation that he has not raised objection nor any letter written to the official liquidator for the said purpose, whereas Annexure-1 to this appeal appellant-Reetesh Kumar has filed objection on 25.04.2021. The same has been placed on record in the company petition along with the supplementary affidavit. However, the same has not been taken note of or it has not been brought to the notice of learned Company Judge. On this short ground, order dated 24.06.2022 is set aside insofar as it is concerned with I.A. No. 19 of 2019 with OLR No. 48 of 2022 with Reply to OL arising out of Company Petition No. 1 of 1996. Accordingly, the present Company Appeal (DB) No. 05 of 2022 stands allowed. Order



dated 24.06.2022 passed in I.A. No. 19 of 2019 with O.L.R No. 48 of 2022 with reply to OL arising out of Company Petition No. 1 of 1996 stands restored in the Company Petition No. 01 of 1996.

4. Learned Company Judge is requested to re-hear I.A. No. 19 of 2019 with OLR No. 48 of 2022 with reply to OL arising out of Company Petition No. 1 of 1996 and proceed to pass order within a reasonable period of time.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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