

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.22 OF 2020
IN
COMPANY PETITION NO.20 OF 2014

Amit Kashinath Patil	...Applicant
<i>In the matter of</i>	
L & T Finance Limited	...Petitioner
vs.	
The Official Liquidator, High Court, Bombay of Kaizen Wheels Private Wheels	...Respondent

Mr. Arman Grewal a/w. Mr. Rahul Raut, for the Applicant.
Mr. Shatrughan Chauhan, for OL.

CORAM : N. J. JAMADAR, J.
DATE : FEBRUARY 22, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. This application is taken out seeking, inter alia, the following reliefs:

- a) That the respondent may kindly be directed to take steps for compliance of order dated 10th April, 2018.
- b) That the delay if any in filing the affidavit of proof of debt by the applicant be condoned and the applicant be permitted to file proof of debt along with the supporting documents with the respondent within one week from the date of present application being allowed.
- c) That this Court be pleased to direct the learned OL to adjudicate the claim of the applicant within four weeks from the date of filing of the same.

3. The applicant has preferred this application armed with an order passed by the Raigad District Consumer Redressal Forum, Alibaug in Dispute No. 82/2015 dated 10th April, 2018. The District Consumer Redressal Forum, inter alia, directed as under:-

1] The Complaint Application No. 85/2015 of the complainant is partly allowed.

2] Shri Vinod Sharma, Office- Bank of India building, 5th Floor, Mahatma Gandhi Road, Mumbai 23 appointed as a liquidator in Company Application No. 20/14 for original respondents No. 1 and 2 by High Court has to take copies of all concerned documents from the original respondent Nos. 1 and 2 and to take the amount of expenses therefor from the complainant and shall get done registration of the disputed car i.e. Grand I-10, Sportz 1.2 from the Road Transport Officer, Panvel within 30 days from the date of receiving the said order.

4. The learned counsel for the applicant submits that post the aforesaid order by a communication dated 16th April, 2018 (Exhibit D), the Official Liquidator was requested to take steps to facilitate the registration of the vehicle in the name of the applicant. In the said communication, the applicant furnished the details of the price paid inclusive of the amount paid towards registration charges.

5. The record reveals that pursuant to the order passed by the State Consumer Disputes Redressal Commission in Revision

Petition No. RP/No.16/70 dated 8th September, 2017 the Official Liquidator came to be impleaded as party to the proceeding before the District Consumer Redressal Forum. Thereafter, the aforesaid order came to be passed by the District Consumer Redressal Forum. The aforesaid order has attained finality.

6. In the face of the aforesaid order, the Official Liquidator is enjoined to take steps to facilitate the registration of the vehicle in the name of the applicant.

7. The Dy. Official Liquidator submits that the Official Liquidator needs to verify the documents evidencing the payment of consideration.

8. Let the applicant furnish all the documents in support of his claim that he has purchased the vehicle from the company in liquidation and, after verification thereof, the Official Liquidator shall execute the necessary documents to facilitate the registration of the vehicle in the name of the applicant.

9. Let the said exercise be carried out within a period of six weeks.

10. The learned counsel for the applicant, on instruction, states that the applicant is ready to bear the requisite expenses for the purpose of registration.

11. Delay in filing the proof of debt stands condoned.

12. The Official Liquidator is directed to adjudicate the claim of the applicant in accordance with law within a period of six weeks.

13. The Official Liquidator is at liberty to take assistance of an empanelled Chartered Accountant for the purpose of adjudication of the claim.

Application disposed .

(N. J. JAMADAR, J.)