

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
INSOLVENCY JURISDICTION**

INSOLVENCY PETITION NO. 9 OF 2023

Harmohan Chopra

.. Debtor

Ex-Parte

Karbon Steel Engineering Pvt. Ltd.

.. Petitioning Creditor

...

Ms. Chhaya More i/by Mr. Anil Agarwal for the Petitioning Creditor.

Ms. M. R. Parkar, I.R.- present.

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CORAM : KAMAL KHATA, J.

DATED : 16TH JUNE 2023.

P.C. :

1. This insolvency petition seeks an order of adjudication against judgment debtor Harmohan Chopra. Learned counsel for the petitioning creditor submits that an amount of Rs.15,31,613/- was decreed by the City Civil Court at Mumbai along with interest @ 9% per annum from the date of the suit totaling to a sum of Rs.20,52,685/-. The notice was served on the Judgment Debtor on 28th December 2022. It is submitted that no appeal has been filed till date. It is further submitted that the petitioning creditor nor any person on its behalf holds any security on the above-named debtor for any part thereof for payment of their said sum.

2. It is submitted that the service of the insolvency notice No. N/25/2022 was attempted through the bailiff from the office of

sheriff on 9th June, 2023 and on the debtor on 9th January 2023. The petition has also been served by hand delivery and the same has been canceled by the judgment debtor on 20th May 2023. It is submitted that the debtor has failed to comply with the requisitions of the insolvency notice No. N/25/2022 and has also not taken out any proceeding for setting aside the said insolvency notice and therefore, committed an act of insolvency on 14th February 2023. Learned counsel accordingly submits that the order of adjudication of the petition be made absolute.

3. Petition is accordingly allowed in terms of prayer clauses (a) and (b).

4. Official assignee to take necessary steps in accordance with law and procedure and to invest the amounts so realized from the estate of the insolvent with any Nationalized Bank as per the circular issued by the office of the Prothonotary and Senior Master of this Court.

5. This order of adjudication shall be served by the Advocate for Petitioning Creditor on the Judgment Debtor and shall file Affidavit of service to that effect within two weeks from today.

6. Petitioning Creditor to lodge the copy of the adjudication order with the office of the Official Assignee within two weeks from the date of this order.

7. The Judgment Debtor is directed to comply with all

requisitions of Section 33 of the Presidency Towns Insolvency Act, 1909.

8. The Official Assignee is authorized to take the assistance of the local police authorities at the time of taking physical possession of the movable or immovable properties of the Judgment Debtor.

9. This order will be digitally signed by the Private Secretary / Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(KAMAL KHATA, J.)