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

INTERIM APPLICATION NO.3203 OF 2021

IN

COMPANY PETITION NO.663 of 2014

Seaco Global Limited] .. Applicant

vs.

Fourcee Infrastructure Equipment]

Pvt. Ltd. (in Liquidation) through LP] .. Respondent

ALONGWITH

OFFICIAL LIQUIDATOR'S REPORT NO.82 OF 2023

IN

COMPANY PETITION NO.663 OF 2014

In the matter of Companies Act, 1 of 1956

And

In the matter of Fourcee Infrastructure Equipments
Private Limited (In Liq.)

Seaco Global Ltd. .. Petitioner

Mr.Ryan D'souza a/w Rushil Mathur i/b Kochhar & Co. for the Applicant/
Petitioner.

Mr.Aditya Pimple for the Official Liquidator.

Mr.Chadan Kumar,Official Liquidator present.

CORAM : BHARATI DANGRE, J

DATE : 14th July, 2023.

P.C.

- 1] OLR no.82/2023 not on board, on mentioning taken on board.
- 2] Interim Application No.3203/2021 and OLR No.82/2023, which seek distinct reliefs, get itself worked out, by way of Minutes of the Order as below :

MINUTES OF ORDER

1. The Applicant has filed the present Interim Application inter alia seeking return of 277 containers leased by it to the Company in liquidation.
2. By an order dated 27.7.2022, this Court was pleased to record the Official Liquidator's willingness to hand over custody of 3 containers located at Kutch to the Applicant subject to verification of ownership of the containers and further subject to the Applicant providing an undertaking with respect to securing the containers as and when custody was handed over.
3. Pursuant to the order dated 27.7.2022, the custody of the said 3 containers located at Kutch was handed over to the Applicant on 20.8.2022 upon the Applicant furnishing requisite undertakings in that respect.
4. Pursuant to the Order dated 19.10.2022 a joint exercise of inspection at various container yards across the country was carried out by the Applicant and the Official Liquidator to locate the 277 containers when only 51 containers were found at the following locations:

Sr. No.	Address of the Yard/Depot	Date of Inspection	No. of Identified Container(s)
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1	Noma Infrastructure Private Limited Jasai Gaon, Old Panvel Nhava Sheva Road, Navi Mumbai	25.11.2022	1
2	Distribution Logistics Infrastructure Private Limited Integrated Logistic Park, Bhorkadi, 33 rd KM Mines Stone, Village Jangeshwar, Dist. Nagpur	09.12.2022	43
3 (i)	Noma Infrastructure Private Limited Survey No. 23, Village Varshana, Near Kiran Pump, Taluka Anjar, Dist. Kutch- 370 110	12.12.2022	7
3 (ii)	And Collyer Container Terminal Private Limited Anjar Mundra Highway, Survey No. 146, Palki No. 1, Near Dada Krupa Hotel, Bhuvad, Kutch- 370 030	12.12.2022	No Container(s) found
4.	Worlds Window Infrastructure and Logistics Private Limited Inland Container Depot, Banthala Chironi Road, Loni, Ghaziabad- 201 102, Delhi	On request of Applicant, the inspection was not carried out	

5. This Court had, vide an order dated 25.01.2023, directed Official Liquidator to facilitate handing over of the custody of 51 containers lying at three (3) yards i.e. Noma Infrastructure Private Limited- at Navi Mumbai and Kutch and Distribution Logistics Infrastructure Private Limited-Nagpur which were identified in joint inspection by Applicant and Official Liquidator.

This Court further directed Official Liquidator that the above activity is required to be done only after verification of the claim of ownership. The order dated 25.1.2023 also recorded that the list of containers furnished by the Applicant was verified by the Official Liquidator with a view to ascertain ownership of the same. Upon a request by the Official Liquidator for further documents, the Applicant vide their advocates letters dated 03.04.2023 and

24.04.2023 have submitted further documents explaining the basis on which the Applicant are claiming ownership of the said 51 containers.

6. After examination of the aforesaid documents the Official Liquidator has filed an Official Liquidator Report No.82 of 2023.

3] I have perused the Official Liquidator Report and the documents placed by the Applicant and pass following order:-

- a) The learned Counsel for the Applicant on instructions states that the claims and representations made by the Applicant in its correspondence dated 3.4.2023 and 24.4.2023 are true and correct. The Applicant has submitted other documents in relation to their ownership of the containers (including the 51 containers) before this Court by way of various pleadings filed before this Court.
- b) The present Order is being passed on an undertaking that the Applicant will secure the containers upon the custody of the same being handed over to the Applicant and on an undertaking by the Applicant that the claims and representations made by the Applicant in its correspondence dated 3rd April 2023 and 24th April 2023, and the documents submitted by the Applicant are true and correct.
- c) The Official Liquidator is directed to facilitate handing over of the custody of 51 containers to the Applicant within a period of 8 weeks (from the date of this Order being made available). The said containers have been identified at various yards, and the same are not in the custody of the Official Liquidator. The facilitation of the handing over shall be at the Applicant's expense. The Applicant shall also bear the expenses for the travel and stay of the staff of the Official Liquidator for facilitating the handing over of the said 51 Containers.
- d) In the event any claims are made with regards to the ownership of the

51 Containers by any third party, the Applicant shall be responsible for dealing with the said claims at its own cost and expense and the Official Liquidator shall not be responsible, in any manner, regarding the same.

- e) The Applicant also agrees and undertakes to indemnify the Official Liquidator from any claims in future over the ownership of these containers/operators/person in or any losses on account of such third party claim as to ownership of these Containers.
- f) The respective owners of the yards to act on an authenticated copy of this Order.

4] The undertakings are accepted as undertakings to the Court.

In the wake of above, Interim Application as well as OLR stand disposed off.

[BHARATI DANGRE, J]