

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
OFFICIAL LIQUIDATOR'S REPORT NO.110 OF 2023
IN
COMPANY PETITION NO.902 OF 2014

In the matter of Companies Act,
1 of 1956
and
In the matter of KDL Biotech Ltd.
(in liquidation)

Shree Gadhbore Bearings Pvt. Ltd. ... Petitioner

WITH

INTERVENTION APPLICATION (L) NO.23993 OF 2023

WITH

INTERVENTION APPLICATION (L) NO.25653 OF 2023

WITH

INTERVENTION / INTERIM APPLICATION (L) NO.29641 OF 2023

IN

COMPANY PETITION NO.902 OF 2014

Mr. Ranjeev P. Carvalho for Official Liquidator.

Mr. Chandan Kumar, Official Liquidator.

Mr. Kamal R. Bhulchandani a/w. Mr. Tanmay Mehta i/b. Mr. P. Kumar Jain for Applicants in IAL/23993/2023.

Mr. Karl Tamboly a/w. Mr. Aditya Pimple i/b. Mr. Vijaykumar Bhima Dighe for Intervenor in IAL/29641/2023.

Mr. C. N. Mehta i/b. MMK Law Associates for KDL Workmen Union.

Ms. Radha H. Bhandari i/b. M. V. Kini & Co. for Secured Creditor - SBI.

Mr. Subhash Sarashwat from SBI is present.

Mr. D. P. Palodkar for Bhagyashri Biz LLP.

Mr. Balkishan Baldawa, Director of Bhagyashri Biz. LLP.

CORAM : MANISH PITALE, J.

DATE : DECEMBER 08, 2023

P.C. :

. Heard learned counsel for the parties.

2. In pursuance of order dated 13.10.2023, only one of the parties, who had shown inclination to offer higher bids, moved an intervention application in these proceedings along with a deposit of Rs.2,00,00,000/- (Rupees Two crores) with the official liquidator to show its *bona fide*.

3. It is relevant to note here that there are three parties, who had offered higher bids as compared to the lone bid offered by Bhagyashri Biz. LLP. After considering such higher offers, this Court had directed that it would be appropriate to give an opportunity to such parties offering higher bids to compete in an open auction in the Court so that maximum amount is realized for the immovable property of the company in liquidation.

4. This Court finds that only the applicants in Interim Application (L) No.29641 of 2023 actually abided by the directions given in the order dated 13.10.2023. They filed the aforesaid application and also deposited the amount of Rs.2 crores with the official liquidator.

5. As a consequence, today, when the matter is taken up for consideration, there are only two players in the field i.e. Bhagyashri Biz. LLP and the applicants in Interim Application (L) No.29641 of 2023.

6. In terms of the specific directions given in paragraph 16 of the order dated 13.10.2023, this Court took up the proceedings and gave opportunity to the aforesaid two players to offer their bids.

7. Learned counsel appearing for Bhagyashri Biz. LLP, on instructions, offered bid of Rs.22,20,00,000/- (Rupees Twenty Crores and Twenty Lakhs only), which is in fact the reserve price fixed by this Court.

8. Learned counsel appearing for the applicants in Interim

Application (L) No.29641 of 2023, on instructions, made an offer of Rs.24,20,00,000/- (Rupees Twenty Four Crores and Twenty Lakhs only).

9. At this stage, the learned counsel appearing for Bhagyashri Biz. LLP, on instructions, submitted that the said entity is unable to raise its offer any further.

10. As a consequence, the highest bid offered in this Court is by the applicants in Interim Application (L) No.29641 of 2023. Accordingly, the said bid, being the highest bid, is accepted.

11. It is relevant to note that the official liquidator had filed Official Liquidator's Report No.110 of 2023, which is still pending orders. It was during the consideration of the said OLR that the aforementioned order dated 13.10.2023 came to be passed, leading to the proceedings conducted today.

12. In the light of the above, Interim Application (L) No.29641 of 2023 and Official Liquidator's Report No.110 of 2023 stand disposed of as follows:-

- (a) The highest bid offered by the applicants in Interim Application (L) No.29641 of 2023 is accepted in respect of the immovable property of the company in liquidation located in Village - Niphan, Savroli, Taluka- Khalapur, District - Raigad;
- (b) The sale is confirmed in favour of the applicants in Interim Application (L) No.29641 of 2023 and the official liquidator is permitted to handover possession of the said immovable property after receiving full sale consideration from the said applicants as per the terms and conditions specified in the sale notice dated 06.07.2023;

- (c) In view of the above, the amount of Rs.2,00,00,000/- (Rupees Two Crores only) deposited by Bhagyashri Biz. LLP shall be refunded at the earliest by e-agency, which conducted the e-auction in terms of the directions issued by this Court. Upon such refund being made by the e-agency, the same shall be recorded by the official liquidator in its official records.

13. In the peculiar facts and circumstances of the present case, this Court deems it fit to direct the successful bidders i.e. applicants in Interim Application (L) No.29641 of 2023 to pay fixed amount to Bhagyashree Biz. LLP in the light of the fact that the said entity was found to be the lone bidder in O.L.R. No.110 of 2023 and its amount of Rs.2,00,00,000/- (Rupees Two Crores) has been lying in deposit since July, 2023. On a rough and ready calculation of granting interest @ 9% p.a. on the said amount for a period of about five months, this Court deems it fit to direct the applicants in Interim Application (L) No.29641 of 2023 to deposit demand draft of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only) drawn in favour of Bhagyashri Biz. LLP, with the official liquidator, within four weeks. Bhagyashri Biz. LLP shall collect the said demand draft from the official liquidator.

14. It is clarified that the period of three days within which the successful bidder has to deposit further 25% of the amount as per clause 8 of the terms and conditions, shall be three working days starting from 11.12.2023.

15. The valuation report was perused and it is directed to be placed back in a sealed cover.

16. The Official Liquidator's Report No.110 of 2023 stands disposed

of accordingly.

17. In the light of the order passed today, other interim applications concerning Official Liquidator's Report No.110 of 2023 also stand disposed of.

(MANISH PITALE, J.)

Minal Parab