

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
OFFICIAL LIQUIDATOR REPORT NO. 159 OF 2022**

In the matter of the Companies
Act, I of 1956

In the matter of Rusam
Developers Private Limited (in
liquidation)

Bhavesh K. Sheth

... Petitioner

**WITH
INTERIM APPLICATION (LODGING) NO. 15756 OF 2023
WITH
OFFICIAL LIQUIDATOR REPORT NO. 125 OF 2023
IN
COMPANY PETITION NO. 418 OF 2016
WITH
INTERIM APPLICATION (LODGING) NO. 36011 OF 2022
IN
INTERIM APPLICATION NO. 1451 OF 2022
WITH
INTERIM APPLICATION (LODGING) NO. 36201 OF 2022
IN
INTERIM APPLICATION NO. 1450 OF 2022**

Mr. Chirag Kamdar a/w. Ms. Apeksha Munot, Ms. Pankti Pasad and Mr. Vishank Parekh, i/b. Wadia Ghandy & Co. for Runwal Constructions Private Limited and Runwal Developers Private Limited.

Mr. Shanay Shah for Official Liquidator.

Mr. Chetan Shelke, Assistant Official Liquidator.

Ms. Aakanksha Saxena a/w. Ms. Shraddha Chheda, i/b. Navdeep Vora and Associates for Shah Tokarshi Keshavji & Co. and Mr. Mahesh Mamaniya, applicants in IAL/36011/22 & IAL/36201/22.

Ms. Sheeja John a/w. Ms. Siddhi Chavan and Ms. Radhika Nair, i/b. M. P. Savla & Co. for unsecured creditors viz. Ms. Reepa Harshil Vora and another and Ms. Sunita Yogesh Maru.

CORAM : MANISH PITALE, J.
DATE : 07th NOVEMBER, 2023

P.C. :

. In the order dated 01.11.2023, this Court had recorded a proposal indicated by the applicant in Interim Application (Lodging) No. 15756 of 2023 i.e. Runwal Constructions and the official liquidator was directed to respond to the said proposal.

2. Today, when the proceedings are taken up for consideration, the learned counsel for the aforesaid applicant submits that if the claims are adjudicated by the official liquidator, it would further assist the parties to reach a workable arrangement in the matter.

3. It is submitted that Official Liquidator Report No.125 of 2023 seeks a direction for appointment of Chartered Accountant and for adjudication of claims in respect of the company in liquidation.

4. Learned counsel for the official liquidator submits that this Court may allow the prayer made in the said official liquidator report, so as to facilitate further steps in the matter, which may resolve the issue regarding pending claims as well as the claims made by the applicant in Interim Application (Lodging) No. 15756 of 2023.

5. At this stage, the learned counsel for the aforesaid applicant submits that the subsequent part of the prayer in the official liquidator report seeking a direction against the aforesaid applicant to pay the professional fees of the

Chartered Accountant, may be deleted. This Court is of the opinion that the aforesaid request is reasonable, for the reason that in the present proceedings, the professional fees of the Chartered Accountant ought to be borne from the account of the company in liquidation. Therefore, the subsequent part of the prayer is specifically being bracketed out.

6. In view of the above, Official Liquidator Report No.125 of 2023 is allowed in terms of prayer clause (a), except the bracketed portion.

7. The adjudication of the claims shall be carried out within three weeks from today.

8. At this stage, attention of this Court is invited to paragraph No.3 of the official liquidator report, where it is mentioned that the additional claims of the two tenants in the premises, could be adjudicated, subject to condonation of delay.

9. In the interest of justice, delay is condoned and it is directed that the claims of the said two tenants shall also be adjudicated.

10. Official Liquidator Report No. 125 of 2023 is disposed of.

11. List all pending applications and official liquidator reports for further consideration on 11.12.2023.

12. Valuation report shall be put back in a sealed cover.

(MANISH PITALE, J.)