

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
OFFICIAL LIQUIDATOR'S REPORT NO.156 OF 2022
IN
COMPANY PETITION NO.519 OF 1985

In the matter of Companies Act,
1 of 1956

and

In the matter of Fit Tight Nuts
and Bolts Limited (in liquidation)

M/s. Elegant Packaging and others ... Petitioners

Mr. Shanay Shah for Official Liquidator.

Mr. Chandan Kumar, Official Liquidator.

Mr. Dinesh Rane for Popular Apartments CHS Limited (Society).

Mr. Borkar (party in person).

CORAM : MANISH PITALE, J.

DATE : AUGUST 25, 2023

P.C. :

. The present official liquidator's report (OLR/156/2019/Liquin.IV) has been submitted in this petition and it pertains to the question as to whether the person occupying Flat No.A-3, Popular Apartment Co-operative Housing Society Limited situated at Four Bungalows Road, Opp. St. Louis Convent High School, Andheri (West), Mumbai 400 053 is to be imposed with the liability of payment of rent for the period between 08.01.1987, when the company went into winding up, till 26.09.2022, when physical possession was handed over by Mr. Borkar to the official liquidator.

2. Mr. Borkar had occupied the said flat by virtue of being employee of the company and he continued in possession thereof during the said period after winding up of the company.

3. Mr. Shah, learned counsel for the official liquidator has brought to the notice of this Court that on 26.09.2022, physical possession of the flat was taken from Mr. Borkar. It is also pointed out that a valuation report in respect of the said flat is obtained, which can be perused by this Court in order to examine as to whether any amount towards rent is to be recovered from the said Mr. Borkar.

4. Mr. Borkar has appeared in person and he submits that he did continue in possession of the said flat during the aforesaid period after winding up of the company. He specifically asserts that the dues of the society, in which the flat is located, were all paid by him during the period when the flat was in his possession. He further submits that there was no entity, which came forward to claim any rent from him and it was only when the official liquidator approached him that he became aware about the entity, which could claim any rent from him. In that light, he submits that he may not saddled with the payment of rent for the aforesaid period.

5. Mr. Rane, learned counsel appearing for the society confirms the fact that Mr. Borkar had indeed paid the amounts due to the society towards maintenance during the period that he occupied the said flat.

5. Considering the facts brought to the notice of this Court and taking note of the fact that Mr. Borkar is now a senior citizen, aged about 78 years, this Court is of the opinion that it would not be necessary to issue any direction to Mr. Borkar to pay rent as per market value for having retained possession of the said flat during the aforesaid period.

6. Ordered accordingly.

7. The OLR stands disposed of.

(MANISH PITALE, J.)