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Comp.A.No.1179 of 2014
in C.P.No.130 of 1999

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ABDUL QUDDHOSE, J.

R. Ravikumar

... Applicant

Vs.

1.The Official Liquidator,
High Court of Madras,
Office of the Official Liquidator,
“Corporate Bhavan”,
II Floor, No.29, Rajaji Salai,
Chennai – 600 001.
As the Liquidator of Anubhav Group of Companies (in liquidation)

2.The Administrator,
Anubhav Group of Companies, (in liquidation)
No.24, Harrington Road,
Chetpet, Chennai – 600 031.

... Respondents

This application has been filed by the Auction Purchaser, claiming refund of the EMD amount of Rs.2,35,000/- paid by him under the auction conducted by the Official Liquidator on 23.09.2013.

2. The learned Official Liquidator has produced an order passed by this Court dated 03.04.2014 in C.A.No.75 of 2013 in C.P.No.130 of 1999.



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As seen from the aforementioned order, since the present applicant who was the Auction Purchaser, had failed to pay the amount in terms of the auction sale, the proceedings of the Official Liquidator forfeiting the earnest money deposited was accepted. The following paragraphs of the order dated 03.04.2014 passed in C.A.No.75 of 2013 in C.P.No.130 of 1999, confirms the same:-

“2. At the time of sale, the said R.Ravikumar had deposited Rs.2,35,000/= (Rupees Two Lakhs Thirty Five Thousand only) as Earnest Money Deposit. Thereafter, no payment has been made after confirmation of sale. The Official Liquidator, has submitted his report along with the copy of the letter written to R.Ravikumar on 26.3.14. In the said report, the Official Liquidator has stated as hereunder:-

“4. That from the tabular form given above, it would be observed that the auction purchaser mentioned at sl.nos.3 & 4 who had bided for plot Nos.153 & 154 has failed to make payment of the balance sale consideration after having made payment of EMD as such his EMD has been forfeited and he has been intimated vide letters dated 26.3.2014. Copy of the letter is enclosed as Annexure-A.”

3. Since the auction purchaser failed to pay the amount in terms of the auction sale, the proceedings of the Official Liquidator forfeiting the earnest money deposit is accepted and the report of the Official Liquidator is taken on file.”



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3. Since the order dated dated 03.04.2014 passed in C.A.No.75 of 2013 in C.P.No.130 of 1999, has attained finality, the question of once again considering the petitioner's request seeking for refund of the earnest money deposit paid by him for participating in the auction, will not arise. Hence, this Company Application stands dismissed.

04.09.2023

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