

IN THE HIGH COURT OF JUDICATURE AT PATNA
COMPANY APPEAL(DB) No.7 of 2024

In
COMPANY PETITION No.3 of 1984

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Sonebhadra Grih Nirman Samiti Ltd Dehri Rohtas through its Secretary Ashok Kumar Mishra, aged about 64 years (M), Son of Balram Mishra, Resident of - New Area, Ward No. - 18, Near at Employment Exchange, Dalmiyanagar, Rohtas, Bihar - 821305.

... .. Appellant.

Versus

1. M/s Rohtas Industries Ltd in Liquidation.
2. The Official Liquidator, High Court, Patna Mauryalok Complex, A Block, 4th Floor, Dak Bunglow Road, Patna - 1.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Amrendra Narayan Rai, Advocate.
For the Official Liquidator :		Mr. Gautam Kejriwal, Advocate.
		Mr. Alok Kumar Jha, Advocate.
		Mr. Mukund Kumar, Advocate.
		Mr. Aditya Raman, Advocate.
		Mr. Akash Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-12-2024

In the instant Company Appeal, the appellant has prayed for the following relief(s):

“I) Against the order dated 18.07.2024 passed by Hon’ble Mr. Justice Dr. Anshuman in Company petition No.03 of 1984 relating to I.A. no.358 of 2024 by which Hon’ble Company Judge has dismissed the I.A. no.358 of 2024 in which prayer was made to pay the appropriate interest on the deposited amount.



II) For directing the Official Liquidator to pay appropriate interest on the deposited amount Rs.1,27,00,000/ which has been refunded on 22.09.2022 in view of order dt. 01.09.2022 passed in Company Petition no. 3 of 1984.”

2. Short question for consideration in the present lis is whether the appellant is entitled to interest on amount of Rs.1,27,00,000/- which has been deposited pursuant to auction proceedings.

3. In the above auction proceedings, appellant has violated the conditions relating to deposit of certain amount within the time stipulated. This Court has interfered and extended time. Thereafter, appellant has failed to comply within the extended time period and he was taking shelter under COVID-19. In the order dated 01.09.2022 passed in Company Petition No.3 of 1984, in paragraph-12, it is stated as under:

“12. The amount which has been deposited by the highest bidder shall be returned within a period of one month.”

4. The appellant had cause of action on 01.09.2022 insofar as challenging Para-12 to the extend that interest has not been awarded while order of returning the deposited amount. On the other hand, he has resorted in filing yet another



application, namely, I.A. No.358 of 2024 and that too, it is after about two years.

5. Taking note of these facts and circumstances, the appellant has not made out a case so as to interfere with the order dated 18.07.2024 passed in Company Petition No.3 of 1984 insofar as I.A. No.358 of 2024.

6. Accordingly, the present Company Appeal stands dismissed. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2024.
Transmission Date	NA

