OD-7

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

EC/192/2013
IA NO: GA/1/2024

MAGMA FINCORP LIMITED
VS
ARAVALI INFRAPOWER LIMITED & ORS.

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 27th February, 2024.

Appearance:
Ms. Deblina Lahiri, Adv.
Ms. Moumita Sharma, Adv.
Mr. M. Chatterjee, Adv.
… for SBI.

Mr. Aditya Garodia, Adv.
Mr. Pintu Ghosh, Adv.
Mr. U. Garodia, Adv.
…for the judgment-debtors.

The Court: This is an application filed by one of the consortium banks of the company (in liquidation), i.e., Aravali Infrapower Limited seeking directions on the Receiver appointed in an application under section 9 of the Arbitration and Conciliation Act, 1996 to deposit a sum aggregating to approximately Rs.3 crores with the Official Liquidator, Delhi High Court.

By an order dated 24 July, 2013 passed by a Co-ordinate Bench, Mr. Amit Gupta, Advocate was appointed as a Receiver to collect and invest the sum of Rs.1,91,23,959/- which was due and payable to the company (in liquidation).

It is submitted on behalf of the applicant that in view of the subsequent events and primarily due to the illness of the Receiver, the amount lying in the hands of the Receiver be remitted to the Official Liquidator, Delhi High Court, who has been appointed subsequently to oversee the liquidation proceedings pertaining to the judgment-debtor.

A letter addressed by the Receiver dated 12 July, 2023 is also placed on record which suggests that on the ground of ill-health the Receiver wishes to retire and is not in a position to retain the funds any longer.

The Official Liquidator, New Delhi is also present and submits that they are in possession and custody of the assets of the company (in liquidation) and are lawfully entitled to receive the entirety of the amount of Rs.1,91,23,959/- alongwith accrued interest being an asset of the company (in liquidatin).

Despite having given an opportunity to the lead bankers, i.e., State Bank of India to appropriate this amount in recovery of their lawful dues, the State Bank of India has outrightly rejected the offer and submits that the money be handed over to the Official Liquidator, New Delhi.

In view of the ill-health of the Receiver, the Receiver stands discharged.

There shall be an order in terms of prayers (b) and (c) of the Master's Summons.

With the aforesaid directions, GA/1/2024 stands disposed of.

In view of the above, nothing survives in the execution application being EC/192/2013 and the same stands dismissed.

Interim orders, if any, stand vacated.

(RAVI KRISHAN KAPUR, J.)

s.pal