

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

OFFICIAL ASSIGNEE'S REPORT NO. 4 OF 2024
IN
INSOLVENCY PETITION NO. 30 OF 2018

HARSHAD SHANTILAL MEHTA AND ANR.)...INSOLVENTS

EX-PARTE :

ASHOK MOHANSING BAJAJ)...PETITIONING CREDITOR

THE OFFICIAL ASSIGNEE OF BOMBAY)
HIGH COURT, BOMBAY)... PETITIONER

Ms.K.S.Lalwani, Advocate for the Petitioning Creditor.

Mr. Anil Bagwe, Advocate for the Insolvents.

Mr.Chandresh Rao i/by S.K.Singhi & Partners LLP, Advocate for the
Bank of Baroda.

Ms. C.J. Bhatt, Official Assignee a/w Mr. Subodh Patil, Deputy Official
Assignee, present in Court.

Ms. M.R. Parkar, Insolvency Registrar, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 2nd JULY 2024

PC. :

1. Pursuant to earlier orders of this Court, today when the matter is called out, Mr.Rao, learned Counsel, appears for the Bank of Baroda and submits that although an affidavit has been filed on behalf of the

bank, setting out the fact that the Flats no.1303 and 1304 located on A1-A2 Wing of Shankeshwar Tower CHS, 13th floor, Sudha Park, Shanti Path, Goradianagar, Near Eastern Express Highway, Ghatkopar (East), Mumbai – 400 077, had been e-auctioned on 30th May 2023 and the sale certificate to the auction purchaser is dated 28th September 2023 and only Rs.5,06,00,000/- have been recovered leaving an outstanding of Rs.49,86,00,870/- and that all these steps were taken by the bank as a secured creditor, however, since the affidavit does not contain an apology from the bank for not having abided by the orders of this Court and furnished information to the learned Official Assignee, despite several reminders, some time be granted, so that an appropriate affidavit of apology and an undertaking not to disobey the orders of this Court in future could be filed.

2. Learned Official Assignee, present in Court, submits that although request for information with respect to the aforesaid two flats has been sought since the month of September 2023, until the filing of this affidavit, despite several reminders, no information had been furnished. That, it is only when the Official Assignee has sought to have a show cause notice under the Contempt of Courts Act, 1971, issued, that the bank has furnished the said information in the affidavit.

3. Be that as it may, for the Bank of Baroda to file an appropriate affidavit and undertaking, as requested for, by the learned Counsel for the bank, list on **16th July 2024**.

(ABHAY AHUJA, J.)

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VILAS
KHATATE

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by ARTI VILAS
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Date: 2024.07.02
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