

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

CONTEMPT PETITION NO. 49 OF 2012

IN

SUIT (L) NO. 4351 OF 2008

Unity Infraprojects Limited and Anr.

...Petitioner

V/s.

Amit Kumar Mitra and Ors.

...Respondents

WITH

COURT RECEIVER'S REPORT NO. 287 OF 2024

IN

CONTEMPT PETITION NO. 49 OF 2012

Ms. Shashikala Sharma for Liquidator.

Mr. N. C. Pawar, OSD, Court Receiver with Ms. Ujwala Sankpal, Master
(Adm.), Court Receiver.

CORAM : ABHAY AHUJA, J.

DATE : 18th SEPTEMBER, 2024

P.C. :

1. Pursuant to the earlier orders of this Court ending with order dated 19th August, 2024, today when the matter is called out, Ms. Sharma, learned Counsel appears for the liquidator of the Petitioner and submits that the company in liquidation by an order dated 8th April, 2021 of the NCLT and that since the liquidator does not have any papers and proceedings, this Court may pass appropriate orders.

2. Mr. Pawar, Officer on Special Duty ("OSD") of Court Receiver draws the attention of this Court to the Court Receiver's Report No. 287

of 2024 and submits that as neither Respondent No. 3 was present nor anybody identified the properties in question of which possession was to be taken by the Court Receiver, the possession could not be taken and that this Court in terms of prayer Clause (a) of the report, discharge the Court Receiver and also pass orders in terms of the prayer Clauses (b) and (c) with respect to costs.

3. Having heard the learned Counsel for the Liquidator as well as the learned OSD to the Court Receiver, the following order is passed:-

ORDER

i. Let Ms. Sharma, learned Counsel appearing for the Liquidator take instructions with respect to the further course of action in this Petition by the next date.

ii. In view of the submissions made by the Court Receiver in the Court Receiver's Report No. 287 of 2024 as also recorded in order dated 13th March, 2024 and 22nd July, 2024, this Court allows the Court Receiver's Report No. 287 of 2024 in terms of prayer Clauses (a), (b) and (c), which read thus:-

“(a) The Hon’ble Court may please to discharge the Court Receiver, High Court Bombay without passing accounts due to non-cooperation of parties to the suit

(b) The Court Receiver be permitted to adjust the credit balance lying in suit account towards cost, charges and

expenses of the Court Receiver and the Plaintiff be directed to deposit deficient amount of cost, charges and expenses.

(c) The cost of this report be awarded in sum of Rs. 5,000/- and the Plaintiff be directed to deposit the same in the office of the Court Receiver.”

- iii. The Court Receiver’s Report No. 287 of 2024 disposed as above.
- iv. List on **23rd October, 2024.**

(ABHAY AHUJA, J.)