

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

**OFFICIAL LIQUIDATOR'S REPORT NO. 61 OF 2024
IN
COMPANY PETITION NO. 228 OF 1999**

**In the matter of the
Companies Act, 1956.
And
In the matter of Mansukh
Industries Ltd.
(in liquidation)**

M/s. Rasendra Chem Export Pvt. Ltd. ... Petitioner

WITH

**OFFICIAL LIQUIDATOR'S REPORT NO. 106 OF 2022
IN
COMPANY PETITION NO. 228 OF 1999**

**In the matter of the
Companies Act, 1956.
And
In the matter of Mansukh
Industries Ltd.
(in liquidation)**

M/s. Rasendra Chem Export Pvt. Ltd. ... Petitioner

Mr. Shanay Shah, Advocate for the Official Liquidator.
Mr. Chandan Kumar, Official Liquidator, present.
Mr. Mohit Adwani instructed by Bachubhai Munim & Co. the Noticees –
Mr. Sarvadhman Doshi and Mr. Pankaj Doshi.
Mr. C.N. Mehta instructed by MMK Law Associates, Advocate for the
tenants - Texchem Industries and Dattatray Trading.
Mr. Sandeep Parekh alongwith Mr. Jas Sanghvi and Ms. Smita Thakur
instructed by PDS Legal for the Respondent – Anant Shah.

CORAM : ABHAY AHUJA, J.
DATE : 1 AUGUST, 2024

PC. :

1. This Official Liquidator's Report has been filed by the Official Liquidator pursuant to the letter dated 1st January 2024 received from the Office of the Assistant Commissioner, S-Ward of the Municipal Corporation of Greater Mumbai requesting the Official Liquidator to instruct urgent demolition of C-1 category dilapidated/dangerous building structure located in North-West namely Mansukh Dyeing and Printing Mills situated at Mansukh Dyeing Compound, Kanjur Village Road, Kanjur Marg (E), Mumbai – 400 078, which is beyond repairs, and to instruct urgent structural repairs of Anant G. Shah structure in the North which D-Mart is using for commercial activities as godown/warehouse for storing material and the M/s. Texchem Industries and Dattatraya Trading Company structure in the North-East which are in the category of C2-B. Mr. Shah would submit that earlier the Official Liquidator's Report No.106 of 2022 which is at Serial No.48 had been filed, in view of the earlier notice of the Municipal Corporation of Greater Mumbai and since a recent communication dated 1st January 2024 has been received, the present Official Liquidator's Report has been filed. Once this Court passes orders on

the official Liquidator's Report No.61 of 2024, it would not be necessary to pass any orders on Official Liquidator's Report No.106 of 2022.

2. The Official Liquidator's Report No.61 of 2024 seeks the following directions from this Court :

(a) In view of para (24) & (25) of this report, whether this Hon'ble Court may be pleased to direct the current occupants i.e., 1. Mr. Anant G. Shah, 2. M/s. Texchem Industries, 3. Dattatraya Trading Co. of the said premises situated at Mansukh Dyeing Compound, Kanjur Village Road, Kanjur Marg (E), Mumbai – 400 07 to vacate the said premises forthwith and also permit the Official Liquidator to put barricade on the boundaries of the above said premises and seal the main entry gate of the said premises to prohibit trespassing and allow the Official Liquidator to bear expenses for barricading from the credit of the company (in liqn.).

(b) In view of para (26) of this report, whether this Hon'ble Court may be pleased to direct BMC to get structural audit of the entire building premises inside the boundary wall of Mansukh Industries Ltd. situated at Mansukh Dyeing Compound, Kanjur Village Road, Kanjur Marg (E), Mumbai – 400 078 from the structure engineer on the panel of BMC for which expenses may be borne by tenants proportionately and after receipt of the report of structural engineer the Official Liquidator may be

permitted to place a fresh report before this Hon'ble Court.

3. Mr. Shah has pointed out that there are three properties in question, one which is a C-1 category property occupied on paper by Mansukh Dyeing and Printing Mills which would need to be demolished which Mr. Shah submits is presently lying vacant. Mr. Advani who appears for the claimants claiming ownership of the entire property including the C-1 category premises has no objection, if the said property is demolished by the Municipal Corporation of Greater Mumbai.

4. As far as the M/s. Texchem Industries and Dattatraya Trading Company structure categorized as C-2-B is concerned, the remarks column in the impugned January 1, 2024 letter states that the same requires major structural repairs on urgent basis and is actually C2-A category. Mr. Mehta submits that his clients would carry out the structural repairs as per the report of Rehab Consultants Pvt. Ltd. ("Rehab Consultants") dated 20th September 2021, within a period of three months from today at its own costs and report to this Court, so that a post repair audit can be conducted. Mr. Mehta submits that risk for loss of life, limb and property will be undertaken by his clients and

seeks to file an appropriate undertaking by way of an Affidavit in this Court within a period of one week from today. The statement is accepted. Let urgent structural repairs of the M/s. Texchem Industries and Dattatraya Trading Company structure be carried out within a period of three months as per the report of Rehab Consultants.

5. As far as the Anant G. Shah structure which has been statedly sublet to D-Mart is concerned, the said property is C2-B category in which no eviction is required, but major structural repairs are needed. Mr. Parekh draws the attention of this Court to paragraph 17 of the Affidavit dated 31st July 2024 filed on behalf of Mr. Anant G. Shah and submits that after receipt of the structural audit report issued by the Rehab Consultants, as per the recommendations made in the said report, major structural repairs of the columns and the beams have already been completed at the said premises and that minor repair works such as water proofing, plastering etc. are being conducted as and when the need arises. On a suggestion from the Court, if Mr. Parekh's client would mind having the Consultant to carry out post repair audit, so as to ascertain that the repairs have been carried out as per recommendations, Mr. Parekh has no objection. Accordingly, this Court directs the Rehab Consultants to carry out the post structural repairs audit report of the Anant G. Shah property being used by D-

Mart within a period of four weeks from today. The costs of the Rehab Consultants to be borne by Anant G. Shah/D-Mart.

6. As regards the C-1 category structure of Mansukh Dyeing and Printing Mills is concerned, the Assistant Commissioner, S-Ward of the Municipal Corporation of Greater Mumbai is directed to have the structure demolished within a period of two weeks from today and the costs for the demolition be initially paid by the Official Liquidator to be recovered by the Official Liquidator in accordance with law.

7. The Official Liquidator's Report accordingly stands disposed in the above terms. In view of the above order, The Official Liquidator's Report No.106 of 2022 stands disposed as infructuous.

8. All concerned to act on an authenticated copy of this order.

(ABHAY AHUJA, J.)