

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

OFFICIAL LIQUIDATOR'S REPORT NO. 117 OF 2024
IN
COMPANY PETITION NO. 949 OF 2014

IN THE MATTER OF COMPANIES ACT,
1 OF 1956

AND

IN THE MATTER OF MANTRI REALTY
LIMITED (IN PROV. LIQUIDATION)

Ms.Shamiyana Hussein i/b Arhat Legal, Advocate for the Applicants.
Mr.Rushabh Sheth, Advocate for the Official Liquidator.
Mr.Chandan Kumar, Official Liquidator is present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 5th DECEMBER 2024

PC. :

1. This Official Liquidator's Report seeks the following prayers :
 - (a) That in view of paragraph (15), this Hon'ble Court may be pleased to permit the Official Liquidator to break open the lock of Flat no.404 of Mantri Premero Project situated in the building constructed on land bearing survey no.36/2 and 36/3, Dodda Kanneli Village, Verthur Hubli, Bangalore and take physical possession of the said flat with the aid and assistance of the local police, if required, and thereafter handover the physical possession of the said flat to the

Noticee no.1 in compliance of the order dated 06.09.2024 passed by the Hon'ble High Court, Bombay in Interim Application no.3295 of 2023.

(b) That in view of paragraph (14), if any instance of illegal breaking-in and illegal work carried out in the said flat is found, this Hon'ble Court may be pleased to permit the Official Liquidator to lodge a Complaint with the local police station to investigate in the matter and take appropriate actions as envisaged under law;

2. Mr.Rushabh Sheth, learned Counsel, appears for the Official Liquidator and submits that pursuant to order dated 6th September 2024 by which the Official Liquidator had been directed by this Court to register the title documents in favour of the Applicant therein and to hand over possession to the Applicant, the representative of the Official Liquidator had visited the subject premises being Flat No.D-404 of Mantri Premero Project in the building constructed on land bearing Survey No.36/2 and 36/3, Dodda Kanneli Village, Verthur Hubli, Bangalore on 10th September 2024 to conduct a spot inspection of the subject premises. Mr.Sheth would submit that it was observed that the subject premises was locked and not opening and an enquiry from the

neighbours did not evoke any concrete information except that furniture work was being carried out, whereupon an email was sent by the Official Liquidator on 12th September 2024 to the society seeking the status of the subject premises. Mr.Sheth submits that no response has been received from the society.

3. Mr.Sheth, on instructions from the Official Liquidator, who is present in Court, submits that since only symbolic possession was taken by the Official Liquidator on 11th February 2016, this Court may permit the Official Liquidator to take physical possession of the subject premises assisted by the police after which physical possession of the subject premises can be handed over to the Noticee no.1 in the Official Liquidator's report, who was the Applicant in Interim Application No.3295 of 2023 in Company Petition No.949 of 2014.

4. Ms.Shamiyana Hussein, learned Counsel, appears for the Noticee no.1 in the Official Liquidator's report, who was the Applicant in Interim Application No.3295 of 2023 in Company Petition No.949 of 2014 and submits that since the Applicant has been living abroad, it has also not been possible to register the title documents in respect of the subject premises and that when the Applicant comes next year, the

registration would be completed in accordance with order dated 6th September 2024.

5. Be that as it may, having heard the learned Counsel, this Court is of the view that the Official Liquidator be permitted to take physical possession of the subject premises with the aid of local police, after which the physical possession of the subject premises can be handed over to the Applicant upon registration of the title deed. Let the exercise be completed within a period of four weeks.

6. The Senior Police Inspector of the concerned local Police Station to render all assistance to the Official Liquidator.

7. All to act on an authenticated copy of this order.

8. The Official Liquidator's Report to accordingly stand disposed as above.

(ABHAY AHUJA, J.)