



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

COMPANY APPLICATION NO.4/2020
M/s. Akola Oil Industries Ltd. (In Liqn.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Dr. Anjan De, Advocate for Official Liquidator.
Mr. U. S. Khomane, Deputy Official Liquidator.
Mr. S. S. Sarda, Advocate for auction purchaser.
Mr. A. M. Joshi, A.G.P. for State.
Mr. S. Sohoni, Advocate for Akola Municipal Corporation.
Ms A. P. Gupta, Advocate instructed by Mr. J. M. Gandhi, Advocate for
earlier auction purchaser.

CORAM : ANIL L. PANSARE, J.
DATE : JANUARY 3, 2025

Heard.

2. In response to order dated 20.12.2024 and previous orders, the learned A.G.P submits that crime has been registered against unknown persons being Crime No. 360/2024 under Sections 336 (3), 340 (2) of the Bhartiya Nyaya Sanhita, 2023 and investigation is in progress. He further submits that till now, it has been ascertained that entry under question in the Index Book showing execution of gift deed on 23.10.1940 in favour of Vasant Devidas Kulkarni, a fraudulent entry.

3. The Investigating Officer shall periodically file progress report of investigation.

4. Mr. S. V. Sohoni, counsel appearing for the Akola Municipal Corporation, Akola, submits that with collective efforts the encroachment made by Mr. Bhalchandra Kulkarni over plot No. 108 has been removed as also the encroachment made surrounding the Plot No.108. Panchanama to that effect has been drawn. The articles belonging to Mr. Bhalchandra Kulkarni have been handed over to

him. He submits that except for additional construction of Hanuman Temple, all other encroachment as directed by this Court, has been removed. An affidavit to that effect has been tendered across the bar. Taken on record.

5. It appears from the photographs annexed to the affidavit that there is debris of removed encroachments. The same ought to have been removed. Mr. Sohoni submits, on instructions, that the debris will be removed within one week. Statement is accepted.

6. Mr. S. S. Sarda, counsel for the auction purchaser submits that he will deposit the purchase amount on or before 10.01.2025.

7. If the amount is so deposited, the Official Liquidator shall forthwith hand over possession of plot No. 108 to the auction purchaser and shall further execute the sale deed of the said plot. Till the possession is given to the auction purchaser and sale deed is executed, the Official Liquidator shall take appropriate steps to protect the property.

8. Mr. Joshi, Learned A.G.P. has invited my attention to affidavit filed by Assistant Sub Registrar No.-I, Akola, Mr. Bhaurao Manikrao Budhalkar, stating therein he has misread the order passed by this Court. He is not well versed with English language. He has tendered unconditional apology with an assurance that he will not commit similar such mistake/error and shall be diligent in complying with the directions issued by all the Courts.

The apology is accepted. No further order is required at this point.

9. Mr. N. S. Warulkar, counsel for Mr. Bhalchandra Kulkarni submits that order dated 20.12.2024 passed by this Court is challenged before the Supreme Court. The Special Leave Petition has been given Diary No.61131/2024. Dr. De, learned counsel for the Official Liquidator submits that if at all Mr. Kulkarni intended to

challenge the aforesaid order, he ought to have filed appeal under Section 483 of the Companies Act, 1956. It appears that Mr. Kulkarni has approached a wrong forum.

Stand over to 10.01.2025.

(Anil L. Pansare, J.)

Kahale