



IP-3-2010

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

COMPANY PETITION NO. 3 OF 2010

(In the matter of winding up of M/s Mahadeo Land Developers Vs. M/s Mahadeo Land Developers Private Limited & Ors.)

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

Court's or Judge's orders.

Shri Pushkar Ghare, Counsel for ex-director Shri Pramod Agrawal.

Shri Pramod Agrawal, ex-director of Mahadeo Land Developers Pvt. Ltd.

Ms U.P. Parmar, Official Liquidator with Shri Dharmnath Prasad, Company Prosecutor.

Shri N.R. Tiknayat, Counsel for the applicant in Company Application No. 31/2024.

Shri Akhilesh Potnis h/f Shri A.M. Sudame, Counsel for the applicants in Company Application No. 11/2023.

Shri A.D. Dangore, Counsel for the applicants in Civil Application Nos. 980/2024 and 981/2024.

CORAM : ANIL L. PANSARE, J.
AUGUST 16, 2024

The Official Liquidator shall add the District Magistrate of Nagpur, Wardha, Amravati, Jalgaon and Buldhana, as party respondents. Necessary amendment be carried out forthwith.

2] Issue notice to newly added respondents returnable on 30/8/2024.

3] Ms S.N. Thakur, learned A.G.P., waives notice for the newly added respondents.

4] The Official Liquidator submits that pursuant to the list of plots furnished by Shri Pramod

Agrawal, ex-director of the Company under liquidation, the Official Liquidator has made a request to the District Magistrate concerned to take steps to mutate the name of the Official Liquidator in the revenue record and further ancillary requests.

5] The Official Liquidator ought to have taken recourse to Section 456 of the Companies Act, 1956 (for short “Act of 1956”).

6] The District Magistrate concerned shall take prompt steps to take possession of the plots under question in terms of Section 456 of the Act of 1956 and deliver possession to the Official Liquidator as expeditiously as possible. The District Magistrate concerned shall submit report of the steps taken by them in this regard on or before 30/8/2024.

7] All concerned to act on authenticated copy.

COMPANY APPLICATION NO. 31/2024 IN COMPANY PETITION NO. 3/2010

8] The applicant shall furnish copy of application to the learned Counsel appearing for ex-director.

9] The applicant has relied upon registered sale-deed executed by the ex-director in favour of the applicant on 22/12/2008. The winding up petition has been filed in the year 2010 and winding up order has been passed in April – 2014.

10] It appears that sale-deed has been executed much prior to filing winding up petition.

11] The Official Liquidator seeks time to file reply.

12] Time is granted. However, the plot under question, i.e., plot no. 83 out of Khasra No. 57/2-A, Mouza – Isasani, P.H. No. 46, admeasuring 151.15 square meters, shall not be put to auction until further orders.

13] The Official Liquidator to file report as to why this plot should not be released in favour of the applicant.

14] Stand over to 30/8/2024.

COMPANY APPLICATION NO. 11/2023 IN O.L.R. NO. 8/2021 IN COMPANY PETITION NO. 3/2010

15] The learned Counsel for the applicant submit that the plots under question have been purchased by them through registered sale-deed in February – 2011. Winding up order has been passed in April – 2014. He submits that the applicants were not even aware of filing of winding up petition, which was filed in the year 2010.

16] The Official Liquidator to file report as to why the plots under question should not be released in favour of the applicants.

COMPANY APPLICATION NO. 980/2024 IN
COMPANY APPLICATION NO. 671/2024 IN
COMPANY PETITION NO. 3/2010

17] The application/complaint under question cannot be processed further in view of winding up order passed in the present petition.

18] Accordingly, the applicants are at liberty to approach the Official Liquidator in the capacity as creditors to lodge their claim.

19] The Civil Application is disposed of in above terms.

COMPANY APPLICATION NO. 981/2024 IN
COMPANY APPLICATION NO. 681/2024 IN
COMPANY PETITION NO. 3/2010

20] The application/complaint under question cannot be processed further in view of winding up order passed in the present petition.

21] Accordingly, the applicants are at liberty to approach the Official Liquidator in the capacity as creditors to lodge their claim.

22] The Civil Application is disposed of in above terms.

O.L.R. NOS. 3/2020, 1/2021, 8/2021, 11/2021,
1/2023, 2/2023, 12/2023, 13/2022 AND 14/2022

23] Shri Saurav Rajurkar h/f Shri Anand Parchure, learned Counsel appears on behalf of

Income Tax Department and seeks time to comply order dated 2/8/2024.

24] Time is granted. Stand over to 30/8/2024.

JUDGE

Sumit