

ORDER SHEET

IA NO. ACO/3/2024
WITH
CP/404/2012
CA/23/2021
In
APO/49/2022

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

IN THE MATTER OF:
RUBI STAR MARKETING PVT. LTD. (IN LIQN.)
AND
SATYA MAJUMDER AND ORS.
VERSUS
OFFICIAL LIQUIDATOR

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN
AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 17th February, 2025.

Appearance:

Mr. Arindam Paul, Adv.

Ms. Puja Rajbhor, Adv.

...for the appellants

Ms. Debjani Mitra Neogy, Adv.

...for the O/L

Mr. Debabrata Ray, Adv.

Mr. Oishik Chatterjee, Adv.

1. In view of the affidavit filed by the Official Liquidator disclosing the order passed by the Hon'ble Supreme Court dated 6th February, 2024 by which the Official Liquidator was directed to make fresh auction in respect of the subject property and to refund the sale proceeds with interest to the first two bidders who have deposited the amount to the Official Liquidator. In terms of the said order, the Official Liquidator filed an application being CA/26/2024 seeking leave to sell the property situated at Bagachhra, Shantipur Gram Panchayat, Bagachhra, District Nadia, we allow the appeal

and set aside the order passed by the learned Single Judge. However, it appears that the statement made by the Official Liquidator with regard to the transfer of the proceeding to NCLT was incorrect as it was not on the basis of any application filed by one of the purchasers but the said proceeding was transferred suo motu by the learned Single Judge. In view of the fact that the winding-up proceeding is about to be concluded, we allow the appeal and direct the Official Liquidator to complete the winding-up proceeding within a period of six months from date.

2. The Official Liquidator accordingly shall take appropriate steps with regard to CA/26/2024 as expeditiously as possible.
3. The appeal and the application being ACO/3/2024 also stand disposed of in terms of this order.

ACO/2/2024

4. In view of the submission made by the Official Liquidator that the valuer has received the remuneration, ACO/2/2024 being an application filed by the valuer is treated as on the day's list and disposed of.
5. The department is directed to make appropriate endorsement with regard to the said application and shall treat the same as disposed of as on date.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)