

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN ITS INSOLVENCY**

**OFFICIAL ASSIGNEE'S REPORT NO.35 OF 2025
IN
INSOLVENCY PETITION NO.8 OF 2004**

Nirav Construction Co. and Others ...Debtors

Ex-Parte : Pradeep Dipaklal Nichani ...Petitioning Creditor

Mrs. K. S. Lalwani for the Petitioning Creditor.

Mrs. C. J. Bhatt, Official Assignee with Mr. Subodh Patil, Deputy Official Assignee and Mr. D. B. Iswalkar, 1st Assistant Official Assignee Present.

Ms. Rekha Rane, Insolvency Registrar present.

**CORAM : ABHAY AHUJA, J.
DATE : 15th APRIL 2025**

PC. :

1. When the matter is called out, at the outset, Mrs. Lalwani, learned Counsel appears and submits that she represents the Petitioning Creditor, however, since the Petitioning Creditor is not giving any instructions, she is in the process of filing discharge in the matter.

2. This Official Assignee's Report seeks direction *inter-alia* to close the estate account for administrative purposes on the ground that despite a lapse of more than 20 years after the matter was received by the Official Assignee, there is no property of the Insolvent to sell,

through which the liability of Rs. 5,17,339.50/- can be recovered and as per the statement of accounts only a cash balance of Rs.1268/- is lying in the estate account of the Insolvent.

3. This Court's attention is drawn to Section 106 of the Presidency Towns Insolvency Act, 1909 (the "Insolvency Act") in respect of Summary Administration in cases of small insolvency.

4. A perusal of the said provision suggests that where the Insolvency Court is satisfied, that the property of an Insolvent is not likely to exceed in value Rs. 3000/- or such other less amount as may be prescribed, the Court may make an order that the Insolvent's estate can be administered in a summary manner and thereupon the provisions of the Insolvency Act shall be subject to the following modifications; viz. (a) no appeal shall lie from any order of the Court, except by leave of the Court; (b) no examination of the insolvent shall be held except on the application of a creditor or the official assignee; (c) the estate shall, where practicable, be distributed in a single dividend; (d) such other modifications as may be prescribed with the view of saving expense and simplifying procedure.

5. It is also provided that nothing in the Section shall permit modification of the provision of this Act relating to the discharge of the Insolvent and that the Court can at any time revoke such an order of summary administration in the case of an Insolvent's estate as it may deem fit.

6. Upon a query from the Court to the learned Official Assignee, who is present in Court, as to whether the Insolvent is contactable, this Court is informed that there has been no contact with the Insolvent for quite a while.

7. As noted above, the Official Assignee has in her report clearly indicated that the cash balance lying in the estate account of the Insolvent is only Rs. 1268/- and that there is no property of the Insolvent to sell through which the recovery can be done to discharge the liability of Rs. 5,17,339.50/-. That therefore, this is a fit case for summary administration as the amount lying in the estate account of the Insolvent is less than Rs. 3,000/- and that the Official Assignee has reported that the amount lying in the estate account of the Insolvent is not likely to exceed the said amount.

8. Accordingly, before passing a summary administration order in the matter, issue notice to the Insolvent as well as to the Petitioning Creditor, returnable on **17th June, 2025**.

9. It is made clear that if on the next date the Insolvent does not appear or is not represented despite notice, this Court will proceed to pass the summary administration order as prayed for by the Official Assignee in the Official Assignee's Report in accordance with Section 106 of the Insolvency Act.

(ABHAY AHUJA, J.)