

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

OFFICIAL LIQUIDATOR REPORT NO.72 OF 2025

IN

COMPANY PETITION NO.773 OF 2000

In the matter of companies Act, I of
1956

And

In the matter of Nisarga Forest (India)
Ltd (In Liqn.)

Ashok Leyland Finance Ltd.

...Petitioner

Mr. Ranjeev Carvalho, for the Official Liquidator.

CORAM : ARIF S. DOCTOR, J.

DATE : 9th OCTOBER, 2025.

P.C.

1. The Official Liquidator's Report seeks the following two reliefs.

"a) *In view of para (4) of the report, whether this Hon'ble Court may be pleased to ratify the action of the Official Liquidator for filing a First Appeal challenging the impugned order dated 11.03.2025 passed by the Hon'ble City Civil Court, Greater Mumbai before the Hon'ble Bombay High Court.*

b) *In view of para (7) of the report, whether this Hon'ble Court may be pleased to permit and authorize the Official Liquidator to duly pay the courts fees as per valuation and assessment of the Taxing Officer of High Court for compliance of statutory provisions for filing First Appeal before the Hon'ble Bombay High Court out of the funds lying to the credit of the Company (In Liqn..)"*

2. Heard Mr. Carvalho, learned counsel appearing on behalf of the Official Liquidator.

3. Mr. Carvalho submits that the Official Liquidator had filed Suit No.5789 of 2006 inter alia seeking specific performance of an agreement for sale in respect of a flat admeasuring 1100 sq. ft. in building known as "Commerce Point", situated at Plot No.240/1, Shaniwarpeth, Karad, District-Satara. He submits that the company, prior to going into liquidation, had made a payment of an amount of Rs.3,90,000/- and was put in possession of the suit premises. He further submits that subsequently, the company went into liquidation, which is what compelled the Official Liquidator to file the suit for specific performance of the said agreement for sale.

4. Mr. Carvalho points out that on 11th March 2025, the suit filed by the Official Liquidator on behalf of the company in liquidation came to be dismissed. Learned counsel further submits that while the suit came to be dismissed, no order for restitution of the amount already paid by the company in liquidation was passed. He submits that it is thus, the Official Liquidator amongst other grounds, is impugning the judgment and order dated 11th March 2025 by filing the First Appeal (L) No.21395 of 2025.

5. It is in these facts that the present report has been filed. After having heard Mr. Carvalho, I am satisfied that the filing of such Appeal would be necessary and in the interest of all the creditors/contributories of the company in liquidation.

6. Hence, the Official Liquidator's Report is allowed in terms of prayer clauses (a) and (b), as reproduced above.

[ARIF S. DOCTOR, J.]