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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CO. PET. 539/1998**

M/S TATA IRON & STEEL CO. LTD. Petitioner
Through Mr Hemendra Jailiya, Advocate.

versus

M/S JHALANI TOOLS INDIA LTD. Respondent
Through Mr. Rishi Manchanda Standing Counsel
for the Official Liquidator along with Mr.
Siddharth Mullick, Advocate.
Mr Arjun Pant, Advocate for Megha Forge Pvt.
Ltd.
Mr Ashwani Dubey, Advocate for applicant in CA
465/2021.
Mr Hemendra Jailiya and Mr Naresh Kumar,
Advocates for workman (Jalna Workers Union).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.02.2022

[Hearing held through videoconferencing]

CO. APPL. 655/2021

1. The Official Liquidator has filed the present application, *inter alia*,
praying as under:-

- “a) Take the instant application on behalf of the
Official Liquidator on record;
- b) Approve the draft E-auction Sale Notice and Terms
& Condition of Sale with respect to the immovable
property of the Company (In Provo Liqn.), i.e Unit
No. 1 being Plot No.10, 11, 12, New Industrial
Area, Faridabad (Haryana), as annexed herewith
and marked collectively as **ANNEXURE-B**



(Colly.);

- c) Permit the Official Liquidator to publish the sale notice in the daily newspapers, "Hindustan Times" (English), New Delhi Edition and "Dainik Jagaran" (Hindi), Delhi NCR Edition and expenses be permitted to be borne from the Company Fund;
- d) Permit the Official Liquidator to conduct the Sale/E-auction through Railtel Corporation Limited (E-Auction Agency);”

2. Mr Manchanda, the learned counsel appearing for the Official Liquidator states that the property in question is the only remaining property of the Company in liquidation (Jhalani Tools India Limited) and is now required to be sold. He states that the said property was put up for auction on two prior occasions, however, the same could not be sold.

3. Mr Pant, learned counsel appearing for the applicant in CO. APPL. No. 629/2021 states that the said applicant is the only bidder and has also improved its offer above the reserve price. Thus the applicant’s offer ought to be accepted. Mr Manchanda, states that the Official Liquidator has been receiving enquiries regarding the said property and it appears that there are other persons, who are willing to purchase the said property at a value in excess of the reserve price.

4. There is another applicant who has also filed an application (CO. APPL. 654/2021) seeking to purchase the property in question.

5. In view of the above, this Court considers it apposite that the property in question be put up for auction on ‘as is where is and whatever there is basis’, once again. The draft Sale Notice as annexed to the present application, is approved.



6. The property in question would be available for inspection from 02.03.2022 to 05.03.2022 (both days inclusive) from 11.00 a.m. to 5.00 p.m. The E-Auction shall be conducted on 23.03.2022 between 11.00 a.m. to 3.00 p.m. with an automatic extension of ten minutes each if the bids are received during the last ten minutes prior to closing of the auction. The E-auction shall be conducted by Railtel Corporation Limited (E-Auction Agency).
7. The sale notice shall be published in daily newspapers 'Hindustan Times' (English) and 'Dainik Jagaran' (Hindi) in the Delhi/NCR edition.
8. Expenses for the publication shall be deferred from the funds of the Company.
9. The application is allowed in the aforesaid terms.

CO. APPL. 654/2021 & CO. APPL. 629/2021

10. In view of the order passed above in CO. APPL. 655/2021, these applications do not survive and are, accordingly, disposed of. The applicants are at liberty to file afresh if the auction is not concluded satisfactorily.

CO. APPL. 465/2021

11. The applicant has filed the present application, *inter alia*, praying as under:-

“direct the Official Liquidator to release an amount of INR11,71,246/- (Rupees Eleven Lakh seventy One Thousand Two Hundred and Forty Six only) to P.S. Security Services (P) Ltd. against the outstanding bills for the period from 01.08.2020 to 30.06.2021.”

12. The learned counsel appearing for the Official Liquidator states that the Official Liquidator has called upon the applicant to provide the



necessary details for verifying the invoices. The learned counsel appearing for the applicant states that the applicant is in the process of furnishing the necessary details to the Official Liquidator. The Official Liquidator shall process the invoices provided the same are found in correct after verification.

CO. PET. 539/1998

13. The Official Liquidator shall file a report as to the proportion in which the disbursement is to be made to the secured creditors and the workmen. This Court is informed that there are three other applications (being CO. APPL. 1313/2018, CO. APPL. 1506/2018 and CO. APPL. 132/2021), which have a bearing on the said question.

14. The Registry is directed to list these applications before court on the next date of hearing.

15. The Official Liquidator shall inform the concerned applicant in CO. APPL.1313/2018 regarding this order.

16. List on 10.03.2022.

VIBHU BAKHRU, J

FEBRUARY 8, 2022

pkv

[Click here to check corrigendum, if any](#)