

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/OFFICIAL LIQUIDATOR REPORT NO. 71 of 2025****In R/OFFICIAL LIQUIDATOR REPORT/147/2019  
In R/COMPANY PETITION/338/1997**

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OFFICIAL LIQUIDATOR OF ANIK SHIP BREAKING INDUSTRIES LTD.

Versus  
NA

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Appearance:

MS BHOOMI M THAKORE(6237) for the Applicant(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA**

**Date : 27/04/2026**

**ORAL ORDER**

[1]           The present report of the Official Liquidator is filed seeking following orders and directions of this Court:

*“17 (a) That, this Hon'ble Court may be pleased to condone the delay, if any, in filing of the present report under the provisions of Section 559 of the Companies Act, 1956; and*

*(b) This, Hon'ble Court may be pleased to recall the order dated 21.10.2019 passed by this Hon'ble Court in Official Liquidator's Report No. 147 of 2019 and restore the Official Liquidator attached to this Hon'ble Court as Official Liquidator of Anik Shipbreaking Industries Ltd., and*

*(c) This Hon'ble Court may be pleased to permit the Official Liquidator to take possession of the land admeasuring about 10,117 sq. mtrs situated at Survey No. 103/104/105 of Village Ghangli, Tal. Sihor, Dist Bhavnagar, and deploy security*

*agency, if required, to safe-guard the land of the company, and*

*(d) This Hon'ble Court may be pleased to permit the Official Liquidator to avail the services of the Government Approved Valuer to obtain the valuation of the land of the company, and*

*(e) This, Hon'ble Court may be pleased to constitute a sale committee under the Chairmanship of the Official Liquidator and State Bank of India, Alkapur Br. Ahmedabad as member of the sale committee for disposal of the land of the company, and*

*(f) For such other and further orders and directions as this Hon'ble Court may consider just and appropriate in the matter, may also be passed.”*

[2] Ms. Bhoomi Thakore, Advocate submitted that the facts of the Official Liquidator's Report No. 71 of 2025 is as under:

[2.1] By an order dated 19.03.2002 passed by this Court in Company Petition No. 338 of 1997, Anik Shipbreaking Industries Ltd. was ordered to be wound-up and the Official Liquidator was appointed as Official Liquidator of the said company.

[2.2] The Possession of the asset situated at (i) 781, Bodiwala Makan, Mama Kotha Road, Bhavnagar, (ii) V-3, Sosiya Ship Breaking Yard. Tal. Talaja, Dist. Bhavnagar and (iii) 301/302,

Panchshil, 72, Sampatrao Colony, Productivity Road, Vadodara were taken over by the Official Liquidator.

[2.3] However, in terms of orders dated 26.03.2003 passed in Company Application No. 212 of 2003, the possession of the properties situated at 781, Bodiwala Makan, Mama Kotha Road, Bhavnagar and 301/302, Panchshil, 72, Sampatrao Colony, Productivity Road, Vadodara were handed over to Meeti Investment & Consultancy Services Pvt. Ltd.

[2.4] Similarly, it appears that the possession of the property situated at V-3, Sosiya Ship Breaking Yard, Tal. Talaja, Dist. Bhavnagar was handed over to Gujarat Maritime Board in terms of order dated 21.02.2003 passed in Company Application No. 409 of 2002.

[2.5] There being no assets of the company left in the hand of the Official Liquidator to liquidate the same, the Official Liquidator proposed action under Section 481 of the Companies Act, 1956 for dissolution of the said company.

[2.6] Before initiating steps for dissolution of the company, the Official Liquidator had issued letters to the Ex-Directors and Secured Creditors of the company requiring them to offer their comments on action proposed by the Official Liquidator for dissolution of the company

[2.7] No objection was received from the stakeholders, Official Liquidator's Report No. 147 of 2019 was filed seeking dissolution of the said company.

[2.8] This Court by order dated 21.10.2019 allowed the Official Liquidator's Report No. 147 of 2019. Anik Shipbreaking Industries Ltd. was dissolved and the Official Liquidator was discharged as Liquidator of the said company.

[3] It is submitted that a letter dated 17.04.2023 was received by the Official Liquidator from Shri Jignesh Trivedi of Bhavnagar showing his interest in purchase of land admeasuring about 10,117 sq. mtrs, situated at Survey No.103/104/105 of Village Ghangli, Tal. Sihor, Dist. Bhavnagar.

[4] It is submitted that it was never brought to the notice of the Official Liquidator that the company is having land situated at Survey No. 103/104/105 of Village Ghangli, Tal. Sihor, Dist. Bhavnagar either by the Ex-Directors of the company or by the State Bank of India, a secured creditor of the company.

[5] It is submitted that the Official Liquidator had initiated steps to ascertain as to whether the land belongs to the company then Liquidation or otherwise from the land authority. Simultaneously, the work of obtaining Title Certificate of the land in question was assigned to the Panel Advocate of the Official Liquidator.

[6] It is submitted that the land authorities submitted documents relating to above land in question. On perusal of the said documents it appeared that the land in question belongs to the company then in Liquidation.

[7] It is submitted that Mrs. Hiral N. Trivedi, Advocate appointed for the purpose of obtaining title certificate in respect of

the land in question submitted title search report dated 17.01.2024 wherein it was stated that the land situated at Survey No. 103/104/105 of Village Ghangli. Tal. Sihor. Dist. Bhavnagar belongs to the company then in Liquidation.

[8] It is submitted that provisions of Section 559 of the Companies Act, 1956 provides that *"Where a company has been dissolved, whether in pursuance of this Part or of section 394 or otherwise, the Court may at any time within two years of the date of the dissolution, on application by the liquidator of the company or by any other person who appears to the Court to be interested, make an order, upon such terms as the Court thinks fit, declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved."*

[9] It is submitted that in the instant case, the fact of existence of asset in the company came to the knowledge of the Official Liquidator after expiry of more than 2 years. After

obtaining title certificate of the land in question from the Advocate, the application for recall of orders dated 21.10.2019 passed by this Court in Official Liquidator's Report No.147 of 2019 and restore the Official Liquidator attached to this Court as Official Liquidator of Anik Shipbreaking Industries Ltd. has been made.

[10] It is submitted that refusal of the said application would result in irretrievable loss of valuable immovable property belonging to the company, defeating the very object of the Liquidation proceedings and the statutory duties cast upon the Official Liquidator as an officer of this Court.

[11] Heard Ms. Bhoomi Thakore, Advocate for the Official Liquidator and submission made, this court is of the view that in the interest of justice, the present application deserves to be allowed.

[12] Accordingly, the present application is allowed with following directions:

(a) The order dated 21.10.2019 passed by this Court in Official Liquidator's Report No. 147 of 2019 is hereby recalled declaring the dissolution to have been void and thereupon such proceedings may be taken as might have not been taken if the company had not been dissolved.

(b) The Official Liquidator is directed to take possession of the land admeasuring about 10,117 Sq.mtrs. situated at Survey No. 103/104/105 of Village Ghangli, Tal. Sihor, Dist. Bhavnagar and deploy security guard to safe-guard the land of the company, if required.

(c) The Official Liquidator is directed to get the land valued from the empaneled Government approved valuer.

(d) A sale committee is hereby constituted under the Chairmanship of the Official Liquidator and State Bank of India, Alkapur Branch, Vadodara as member of the sale committee for disposal of the land of the company.

[13]           The present application of the Official Liquidator stand

disposed of accordingly, in terms of above orders.

CHANDRESH

**(NIRAL R. MEHTA,J)**