



Before: Shri S.R.Patil, 1st Asstt. to C.A. BHC-OS:2678
High Court, Bombay

Date: 3rd May 2023

Re : 1) Sanket Dilip Mestry
2) Dilip Bhagwan Mestry

Insolvency Petition No. 8 of 2017

Date of Insolvency... 04-05-1999

Date of Petition... 10-04-2017

Date of Adjudication.. 20-02-2018

Attended by: Shri Vishal Raorane, ASO

Called for: Personal Interview

Present:

Petitioning Creditor: Absent

Ms. Nikita Patil a/w. Ms. Chaya More i/by Anil Agarwal, Advocate for
the Petitioning Creditor

Advocate for the Insolvents: Absent

Insolvent No. 1: Exempted

Insolvent No. 2: Absent

No other appearance

This is an adjourned meeting fixed for the private examination of the
Insolvents touching their estate and affairs.

In the meeting dated 29th March 2023 Registry was directed to submit
compliance report regarding various directions given to the Insolvents. It seems that
till date some of the directions are not complied by the Insolvents. In the meeting dated
29th March 2023 Insolvent No. 2 was absent and on that date Advocate for the
Insolvents submits that the Insolvent No. 2 was suffering from Alzheimer and could
not attend meeting on that date. In the meeting Shri Bagwe, Advocate for the



Insolvents was directed to submit medical case papers of Insolvent No. 2. It is seen from the record that no medical papers have been tendered by the Advocate for the Insolvents.

In the meeting dated 17th January 2023 Advocate for the Petitioning Creditor on instructions of one Mr. Vinit Agrawal one of the Director of Petitioning Creditor states that 278/6-A can be released for the use of the Creditor.

Advocate for the Petitioning Creditor seeks time for clarification about the Plot No. 278/6.

On 17th September 2019 the Official Assignee Report No. 11 of 2018 disposed off with prayer clauses (A), (B), (C), (D), (E) and (G) are granted which as under:

- (A) *that this Hon'ble Court be pleased to declare that the Agreement for Sale dated 30th November 2016 which is entered into between (1) Dilip Bhagwan Mestry, Insolvent No. 2, (2) Mrs. Ranjana Dilip Mestry, (3) Sanket Dilip Mestry, Insolvent No. 1 and Shri Yusufbhai Abbasbhai Bohari in respect of the agricultural land bearing Survey No. 278/4A situated at Village Dahivad, Taluka Shirpur, Dist. Dhule, admeasuring about 0 – 41 R, is null and void and not binding on the Official Assignee;*
- (B) *that this Hon'ble Court be pleased to declare that another Agreement for Sale dated 14th June, 2017 which was entered into between (1) Dilip Bhagwan Mestry, Insolvent No.2, (2) Mrs. Ranjana Dilip Mestry, (3) Sanket Dilip Mestry, Insolvent No. 1 and Shri Govind Ramkumar Zavar in respect of the agricultural land situated at Village Dahivad, Taluka Shirpur, Dist. Dhule, is null and void and not binding on the Official Assignee;*



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- (C) *This Hon'ble Court be pleased to permit the Official Assignee to take physical possession of the said two agricultural lands bearing Survey Nos. 278/4A and 278/5A situated at Village Dahivad, Taluka Shirpur, Dist. Dhule, if necessary with the help of concerned Police Station;*
- (D) *If prayer (C) is in affirmative, the Official Assignee be permitted to sell the said two agricultural lands bearing Survey Nos. 278/4A and 278/5A situated at Village Dahivad, Taluka Shirpur, Dist. Dhule, by public auction so that the said sale proceeds can be used for the benefit of the general body of the creditors;*
- (E) *If the prayer (D) is in affirmative, the Official Assignee be permitted to appoint a Valuer from the Panel of Office of the Prothonotary and Senior Master for suggesting the value of the said two agricultural lands bearing Survey Nos. 278/4A and 278/5A situated at Village Dahivad, Taluka Shirpur, Dist. Dhule, and his Professional fees for such valuation may be borne by the Petitioning Creditors;*
- (G) *This Hon'ble Court be pleased to direct the Insolvent to disclose on oath as to whether he has received entire consideration amount as stated in Agreement for Sale and to deposit the amount in the Office of the Official Assignee.*

Aggrieved by this Order Notice of Motion No. 5 of 2020 taken out by Yusufbhai Abbasbhai Bohari to set aside the said Order and deletion of immovable property bearing Gut No. 278/4A situated at Village Dahivad, Shirpur, Taluka Shirpur, Dist. Dhule.

The said Notice of Motion is on board before the Hon'ble Insolvency Court. It is seen that there is no ad-interim order have been granted to applicant.



In the Order dated 17th September 2019 the direction was passed to the Insolvents to disclose on oath whether he has received the entire consideration amount as stated in Agreement for Sale and to deposit the amount in the Office of the Official Assignee. The said Order was also not complied by the Insolvents

Today, Insolvents absent, therefore, it is not possible to proceeding with the meeting.

Per 1st Asstt. to O.A.:

In view of the above, today's meeting stands adjourned to **24th July, 2023 at 12.00 noon.**

Registry is directed to submit compliance report whether the Insolvents complied with all the requisitions or not and directions passed in meeting dated 8th January 2020.

Registry is directed to take factual possession of Plot No. 278/6 and submit report.

Registry is directed to intimate the Advocate for the Insolvents and Insolvents about adjourned date and time of the meeting with strict warning if the Insolvents not attend the meeting on the next date then RULE NISI or appropriate report will be placed before the Hon'ble Insolvency Court.

Registry is directed to take necessary steps to obtain information about the plot No. 278/4A and 278/5A from concerned authority.

Insolvent is directed to comply the directions given in the meeting dated 8th January 2020.



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Registry is directed to submit report about the same.

Shri Bagwe, Ld. Advocate for the Insolvents is directed to submit medical papers of the Insolvent No. 2 before the next adjourned date.

S.R. Patil
1st Asstt. to Official Assignee

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