

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

**COMPANY APPLICATION NO. 311 OF 2019**

**IN**

**COMPANY PETITION NO. 947 OF 2014**

UTKARSH  
KAKASAHEB  
BHALLERAO

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UTKARSH KAKASAHEB  
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Date: 2023.06.15  
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Synergy Construction ..Applicant  
In the matter between:

Maharashtra Savings ..Petitioner

Versus

The Official Liquidator of M/s. Mantri

Realty Limited ` .. Respondent

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**Mr. Prakhar Tandon** with Mr.Prashant Trivedi i/b  
Sudha Dwivedi, Advocates for the Applicant.

**Mr.Siddharth Murarka**, with Mr.Devendra Tiwari i/b  
Law Chamber of Siddharth Murarka, Advocates for the  
Petitioner.

**Mr. Sahil Mahajan**, for Ex-Director.

**Mr.Prathamesh Kamat**, Advocate for the Official  
Liquidator.

**Mr. Shatrughan Chauhan**, Dy Official Liquidator is  
present.

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**CORAM : B. P. COLABAWALLA, J**  
**DATE : JUNE 14, 2023**

**P.C.**

Heard Mr. Tondon, the learned counsel for the  
Applicant and Mr. Kamat, the learned Counsel for the Official  
Liquidator.

2           It is the case of the Applicant that the Applicant is entitled to Flat Nos. 101, 102 & 104 situated at “A” Wing in the building namely Mantri Serene S10 (S+108 Tower) standing on the plot bearing C.S. No. 827 – D.S. No. (pt) Village Malad (E) Film city, Dindoshi Goregaon (East) Mumbai – 411 165. The Applicant claims to have paid the entire consideration for purchasing the said Flats as mentioned in the Agreements, *albeit* after the appointment of the Provisional Liquidator.

3           Mr. Kamat, the learned Counsel appearing for the Official Liquidator has opposed this Application on several grounds. However, he has expressed the need to verify the statement made on behalf of the Applicant that the entire consideration for the purchase of the said Flats has been made by the Applicant into the account of the Company. He also expresses an apprehension that it is possible that the transaction might be a circuitous transaction given the fact that the proprietor of the Applicant was the ex-director the Company. He, therefore, submits that it is necessary to analyze the bank statements of the Company (in Provisional Liquidation) to verify the genuineness of the statement that the entire purchase consideration has been paid into the account t of the Company.

4 Mr. Kamat, the learned Counsel on behalf of the Official Liquidator, submits that the ex-directors have not properly filed Statement of Affairs as required. Further, the Official Liquidator does not have in its possession the bank statements of the Company for the Official Liquidator to verify. He, therefore, requests that a direction be issued to the concerned bank, in whose account the Applicant claims to have deposited the entire purchase consideration, be directed to furnish the entire bank statements from 1<sup>st</sup> April, 2012 to 31<sup>st</sup> March, 2017.

5 This Court is informed by the learned Counsel for the Applicant that the purchase consideration was deposited by the Applicant in the Kotak Mahindra Bank, Nariman Point Branch details of which are as under:

Bank Name:	Kotak Mahindra Bank
Branch:	Nariman Point Branch
Account Number:	500011053447

6 Taking into consideration the submissions of Mr. Kamat, Kotak Mahindra Bank, Nariman Point branch, is directed to furnish bank account statement of Mantri Realty Ltd. from 1<sup>st</sup> April, 2012 to 31<sup>st</sup> March, 2017 to the Official Liquidator, within a period of 2 weeks from today. The Official Liquidator is directed to examine the said accounts within a period of 2 weeks of being

provided with the bank statement by Kotak Mahindra Bank.

7 Stand over to 19<sup>th</sup> July 2023.

8 This order will be digitally signed by the Private Secretary/  
Personal Assistant of this Court. All concerned will act on  
production by fax or email of a digitally signed copy of this order.

**[ B. P. COLABAWALLA, J ].**