

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

COMPANY PETITION NO. 948 OF 2014

Ashok Thapar, HUF

...Petitioner

V/s.

Mantri Realty Limited

...Respondent

WITH
COMPANY PETITION NO. 26 OF 2019
IN
COMPANY PETITION NO. 948 OF 2014
WITH
COMPANY PETITION NO. 947 OF 2014
IN
COMPANY APPLICATION NO. 6 OF 2006
WITH
COMPANY APPLICATION NO. 756 OF 2018
IN
COMPANY PETITION NO. 947 OF 2014
WITH
COMPANY APPLICATION NO. 19 OF 2019
IN
COMPANY PETITION NO. 947 OF 2014
WITH
COMPANY APPLICATION NO. 561 OF 2017
IN
COMPANY PETITION NO. 947 OF 2014
WITH
COMPANY APPLICATION NO. 18 OF 2019
IN
COMPANY PETITION NO. 947 OF 2014
WITH
COMPANY APPLICATION NO. 31 OF 2019
IN
COMPANY PETITION NO. 947 OF 2014
WITH
COMPANY APPLICATION NO. 758 OF 2018
IN
COMPANY PETITION NO. 947 OF 2014
WITH

CONTEMPT PETITION NO. 16 OF 2015
IN
COMPANY PETITION NO. 947 OF 2014
WITH
OFFICIAL LIQUIDATOR'S REPORT NO. 15 OF 2021
IN
COMPANY PETITION NO. 947 OF 2014
WITH
INTERIM APPLICATION (L) NO. 17486 OF 2021
IN
COMPANY PETITION NO. 947 OF 2014
WITH
INTERIM APPLICATION (L) NO. 17493 OF 2021
IN
COMPANY PETITION NO. 947 OF 2014
WITH
COMPANY APPLICATION NO. 72 OF 2018
IN
COMPANY PETITION NO. 947 OF 2014
WITH
COMPANY APPLICATION NO. 757 OF 2018
IN
COMPANY PETITION NO. 947 OF 2014
WITH
COMPANY APPLICATION NO. 516 OF 2018
IN
COMPANY PETITION NO. 947 OF 2014
WITH
INTERIM APPLICATION (L) NO. 4454 OF 2021
IN
COMPANY PETITION NO. 947 OF 2014
WITH
COMPANY APPLICATION NO. 754 OF 2018
IN
COMPANY PETITION NO. 947 OF 2014
WITH
INTERIM APPLICATION (L) NO. 16652 OF 2021
IN
COMPANY PETITION NO. 947 OF 2014
WITH
INTERIM APPLICATION (L) NO. 16654 OF 2021

**IN
COMPANY PETITION NO. 947 OF 2014
WITH
INTERIM APPLICATION (L) NO. 5220 OF 2023
IN
COMPANY PETITION NO. 947 OF 2014
IN
COMPANY APPLICATION NO. 179 OF 2018
IN
COMPANY PETITION NO. 947 OF 2014
WITH
INTERIM APPLICATION (L) NO. 21933 OF 2022
IN
COMPANY PETITION NO. 947 OF 2014
WITH
OFFICIAL LIQUIDATOR'S REPORT NO. 14 OF 2023
IN
COMPANY PETITION NO. 947 OF 2014
WITH
INTERIM APPLICATION (L) NO. 11037 OF 2024
IN
COMPANY PETITION NO. 947 OF 2014
WITH
OFFICIAL LIQUIDATOR'S REPORT NO. 49 OF 2024
IN
COMPANY PETITION NO. 947 OF 2014**

Ms. Bhavika Thakkar i/b SSB Legal for Applicants in IAL 4454/21 in CP 947/14 i/b SSB Legal and Advisory.

Mr. Krishnan Iyer with Mr. Rahul Pillai i/b Pagnya Legal for Applicant in IAL 11037/24.

Mr. Ashutosh Gole with Mr. Girish Paryami i/b A&G Legal Associate for Applicant in IAL 17486/21, 17493/21, 16654/21 and 16652/21.

Mr. Dipesh Siroya for Applicant in CA 13/22.

Mr. Prakash Tondon with Mr. Prashant Trivedi i/b Sudha Dwivedi in Comm. App. 311/19 for Applicant.

Mr. Sahil Mahajan for ex-director of Mantri Reality Ltd in all matters.

Mr. Chaula Solanki with Mr. H. H. Nagi, Mr. Niranjana Pradhan, Mr. Ameya Vaidya and Ms. Divya Bhatnagar i/b Nagi & Associates for Petitioner in CA 561/17 in CP 947/14 and for Respondent No.2 in CA 31/19 in CP 947/14.

Ms. Mansi Kaku for Petitioner in CP 947/14 and CP 948/14.
Mr. Rushabh Sheth with Ms. Arpeeta Panvalkar for Official Liquidator.
Mr. Chandan Kumar, Official Liquidator and Mr. Chetan Shelke,
Assistant Official Liquidator.

CORAM : **ABHAY AHUJA, J.**
DATE : **10th MAY, 2024**

PC. :

1. At the outset Ms. Kaku, learned Counsel appears for the Petitioner and Applicants in the matters and submits that the title of the order dated 12th April, 2024 be corrected as erroneously instead of Company Application, Company Appeal has been mentioned.

2. Let the error be corrected. Rest of the order remains as it is. Corrected order be uploaded as soon as possible.

3. When these matters are called out, this Court is informed that Company Application No. 72 of 2018 filed by Mantri City Sada Residents Welfare Society is wrongly on board as the same is listed on 21st June, 2024.

4. Mr. Sheth, learned Counsel appears for the Official Liquidator and submits that in respect of flat purchasers of the various projects of the company in liquidation, the Official Liquidator's office is in the

process of carrying out the exercise of verification of the payments made by the flat purchasers which will take some time and therefore, the consideration of passing of the order of winding up may be deferred till then.

5. As far as the matters listed on board today are concerned, Mr. Sheth, would submit that the Interim Applications (L) No. 4454 of 2021, 16652 of 2021, 16654 of 2021, 17493 of 2021 and 17486 of 2021, are applications filed by the flat purchasers, who are not related parties and verification process would be carried out in respect of these flat purchasers as well.

6. So far as, Company Application No. 561 of 2017 filed by Mantri Park Co-operative Housing Society on 16th February, 2016 is concerned, Mr. Sheth would submit that this is an application filed by a co-operative society of flat purchasers and in respect of its members as well the verification process has been initiated.

7. As far as the Official Liquidator's Reports No. 14 of 2023, 15 of 2021 and 49 of 2024 are concerned, Mr. Sheth submits that the same can also be considered after the verification exercise.

8. It is submitted by the learned Counsel appearing in Company Applications No. 311 of 2019, 13 of 2022 and Interim Applications (L) No. 21933 of 2022 and 5520 of 2023, that these Applications have been preferred by Directors, Managing Director and Ex-Directors of the company in liquidation *inter alia* seeking sanction of this Court in respect of the transaction of sale of flats as well as seeking documents from the Official Liquidator.

9. Let the replies / rejoinders in the said Applications, with copy(ies) to the others, be filed by the next date.

10. In Company Petition No. 948 of 2014, Company Applications No. 26 of 2019, 756 of 2018, 757 of 2018, 19 of 2019, 516 of 2018, 31 of 2019, 754 of 2018, 758 of 2018, 18 of 2019 and 179 of 2018 and Contempt Petitions No. 16 of 2015, 947 of 2014, 16 of 2015, Ms. Kaku, learned Counsel appears for the Petitioner in the two winding up Petitions as well as in the Contempt Petitions and the Applications and submits that these matters would need to be heard before any order are passed.

11. Let the replies and rejoinders in the above matters be filed by the next date, with copy(ies) to the others, so that the matters can be heard.

12. List the above matters on **26th July, 2024**.

(ABHAY AHUJA, J.)