

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

**INTERIM APPLICATION (L) NO. 20112 OF 2024
IN
COMPANY PETITION NO. 468 OF 2013**

**KUMAR MOTORS PVT. LTD.)
THROUGH ITS MANAGING DIRECTOR)
SHRI. RAJIV NAIR)...APPLICANT**

V/s.

**OFFICIAL LIQUIDATOR OF KUMAR)
MOTORS PVT. LTD., BOMBAY HIGH)
COURT AND ANOTHER)...RESPONDENTS**

**WITH
INTERIM APPLICATION (L) NO. 19913 OF 2024
IN
COMPANY PETITION NO. 468 OF 2013
WITH
OFFICIAL LIQUIDATOR'S REPORT NO. 74 OF 2024
IN
COMPANY PETITION NO. 468 OF 2013**

Mr.Rushabh Sheth, Advocate for the Official Liquidator.

Mr.Chandan Kumar, Official Liquidator, present in Court.

Mr.Anil Bhagure, Assistant Official Liquidator, present in Court.

Mr.Aditya Pimple a/w. Mr.Aakash Joshi, Advocate for the Applicant in IAL/20112/2024 and for the Respondent in IAL/19913/2024.

Mr.Kshitij Parekh a/w. Ms.Mitali Shahane i/by Apex Law Partners, Advocate for the Applicant – ARCIL in IAL/19913/2024.

Mr.Avdhut Prabhu a/w. Mr.Punit Vyas i/by Lex Services, Advocate for the Respondent no.2 in IAL/20112/2024.

CORAM : ABHAY AHUJA, J.

DATE : 29th NOVEMBER 2024

PC. :

1. In Interim Application (L) No. 20112 of 2024, Mr.Aditya Pimple, learned Counsel, appears for the Applicant and submits that against the order of the National Company Law Tribunal (“NCLT”), Mumbai, dismissing the Corporate Insolvency Resolution Process (CIRP) against the said Applicant, an appeal has been preferred before the National Company Law Appellate Tribunal (“NCLAT”) which is pending. Mr.Pimple would therefore submit that until the said Appeal is disposed of, this Court not pass any orders other than directing the Official Liquidator to hand over charge and possession of the assets and properties of the Applicant to the Applicant. Mr.Pimple submits that the Appeal before the NCLAT is listed on 4th December 2024.

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2. Mr.Prabhu, learned Counsel for the Respondent no.2 and Mr.Sheth, learned Counsel for the Official Liquidator, submit that since the Respondent no.2 in Interim Application (L) No.20112 of 2024 had been continuously breaching the undertakings given to pay the security charges, on the last occasion the Applicant in Interim Application (L)

No.19913 of 2024 agreed to pay those charges. Mr.Sheth would submit that it is, therefore, that a statement was made on behalf of the Official Liquidator that he had instructions to hand over the property in question subject to payment of outstanding charges of the security agencies.

3. Be that as it may, since the Appeal dismissing the order of the NCLT rejecting the CIRP with respect to the company in liquidation is listed on 4th December 2024, this Court deems it appropriate to adjourn this matter for the time being.

4. Accordingly, list on **17th January 2025**.

5. Registry to accept the reply.

(ABHAY AHUJA, J.)