



2019:BHC-OS:6920

Date: 17th October 2019

Re: 1) Harshad S. Mehta
2) Richa S. Mehta

Insolvency Petition No. 30 of 2018

Date of Act of Insolvency ... 29.05.2018

Date of Petition. ... 23.08.2018

Date of Order of Adjn. ... 19.03.2019

Present:

Shri Ashok Mohansingh Bajaj, Petitioning Creditor

Insolvents : Absent

No other appearance

Today's Meeting is fixed for the Private Examination of the Insolvents touching their estate and affairs.

Since the 1st Asstt. to Official Assignee has not taken charge of the said post, the Registry has placed the matter before me.

It appears from the record that on 1st August 2019 this Registry had fixed an appointment for making inventory and taking formal possession of the residential premises of the Insolvent situated at Flat No. 1303/1304, Shankeshwar Tower, Sudha Park, Shanti Path, Ghatkopar (East), Mumbai 400 077, but the same could not be materialized as the Insolvents were remained absent. Therefore, again a fresh appointment was fixed by the Official Assignee for making inventory and taking formal possession of the residential premises of the



Insolvent on 13th August 2019. The said appointment was also adjourned at the request of the Insolvent No. 1 to 16th August 2019. In the said appointment the Insolvents were absent and did not attend this Office. Since the Insolvents were remained absent, the Representative of the Official Assignee alongwith the petitioning creditor visited the residential premises of the Insolvents for the purpose of making inventory and taking formal possession of the said flat.

It appears from the report dated 19th August 2019 submitted by the Representative of the Official Assignee that he could not take possession of the said residential premises as nobody had opened the said flat.

It appears from the record that in the Meeting held on 20th September 2019 an appointment was fixed to make inventory and take formal possession of the residential premises of the Insolvents on 4th October 2019. The Insolvent No. 1 had attended this Office on 4th October 2019 and requested to postpone the appointment and refused to accompany with the representative of the Official Assignee to his Flat. Therefore, the Representative of the Official Assignee accompanied with the representative of the Petitioning Creditor visited the residential premises of the Insolvents and found that the said flat was locked and as such he could not make inventory and take formal possession of the said flat.



: 3 :

The intimation of today's Meeting was sent to the residential premises of the Insolvent but it was reported by the Office Peon that the Insolvents were not there at the residential premises and the Insolvent No. 1 was telephonically informed about the letter and today's Meeting.

Today, Insolvents are absent.

It also appears from the record that the Insolvent did not file their schedule of assets and liabilities and also failed and neglected to comply with the requisitions.

This Registry vide letter dated 31st August 2019 bearing No. OA/DMP/1stAsstt.toO.A./1869/2019 requested the Chairman / Secretary of the Society to furnish the details of the ownership of the said flat and also called for the documents. The Society has not replied so far.

It appears from the record that the Insolvent No. 2 is continuously absent since inception and not attending the meeting. Insolvent No. 1 is also not cooperating with the Official Assignee therefore, Shri Bajaj, Petitioning Creditor states that RULE NISI may be issued against the Insolvents.

Per Dy. O.A.:

In the absence of the Insolvents, today's Meeting stands adjourned to **15th November 2019 at 11.30 a.m.**



: 4 :

Registry is directed to issue RULE NISI against the Insolvents and also directed to submit a report before the Hon'ble Court for seeking necessary directions for making inventory and taking formal possession of the residential premises of the Insolvents.

Registry is directed to intimate the Insolvent about adjourned date and time of the Meeting.

Insolvents are directed to file their Schedule of Assets and Liabilities and also to comply with the requisitions.

E.B. Sivakumar
Dy. Official Assignee