

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/22/1989
IA NO: CA/1/1994(Old No:CA/254/1994),
CA/5/2023,
CA/6/2023

IN THE MATTER OF KHEMKA PLASTIC UDYOG LTD. (IN LIQN.)
VS
ASHOKE RANJAN DAS VS O/L

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 15th June, 2023

Appearance:

Mr. S. S. Banerjee, Adv.

Mr. Saswat Nayek, Adv.

Mr.S. Rudra, Adv.

Mr. Mahesh Joshi, Adv.

Mr. Kajal Dutta, Adv.

Mr. Soumabho Ghose, Adv.

Ms. T. Bhattacharya, Adv.

Mr. Dilip Kumar Ghosh, Adv.

Ms. Tanushree Dasgupta, Adv.

The Court:-

CP/22/1989

By an order dated 27th March, 1990, the company namely, Khemka Plastic Udyog Private Limited was directed to be wound up and the Official Liquidator was directed to take possession of the assets and properties of the company (in liquidation).

A Status Report has been filed by the Official Liquidator.

It appears from the Status Report that there are no creditors of the company (in liquidation).

The company (in liquidation) was the owner of a valuable property being their factory premises at Mouza Bangihati, JL No. 21, L.R. Khatian No.110, RS & L.R. Plot No. 679, P.S. Serampore, District-Hooghly (the premises).

In respect of a sale conducted of the premises of the company (in liquidation) by an order dated 19th April, 1991, the offer of one Mr. Gobinda Biswas was ultimately accepted. After the lapse of more than twenty years, the successful bidder had made an application seeking directions on the Official Liquidator to execute the sale deed in respect of the immovable property of the company (in liquidation).

By an order dated 18th April, 2023, this Court had rejected that application in view of inordinate, unexplained and unjustified delay of the highest bidder.

It is brought to the attention of the Court that being aggrieved by the order dated 18th January, 2023, the successful bidder has preferred an appeal being APOT/32/2023. The said appeal has not been disposed of and is pending final adjudication.

The Report of the Official Liquidator also highlights that save and except, approximately Rs. 81,000/-, there are no other funds lying to the credit of the company (in liquidation).

Though a question of transfer of this proceeding to the National Company Law Tribunal was argued at length, in view of the fact that there are no creditors of the company (in liquidation) and the fact that the sale of the sole asset of the company (in liquidation) is pending final determination before the Hon'ble

Division Bench, I am not inclined to pass any order on the question of transfer of proceedings to the National Company Law Tribunal at this stage.

Let this matter appear on 17th July, 2023.

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All the interlocutory applications in this matter stand adjourned till the returnable date.

(RAVI KRISHAN KAPUR, J.)