

ITEM NO.1 Court 10 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Miscellaneous Application No.300-301/2021 in C.A. No.6055-6056/2015

(Arising out of impugned final judgment and order dated 11-08-2015 in C.A. No. No. 6055/2015 11-08-2015 in C.A. No. No. 6056/2015 passed by the Supreme Court Of India)

M/S TECH INVEST INDIA PVT. LTD.  
THROUGH MAJOR SHAREHOLDER RAJIV GOSAIN Petitioner(s)

VERSUS

ASSAM POWER AND ELECTRICALS LTD. & ORS. Respondent(s)  
(OFFICE REPORT FOR DIRECTIONS )

Date : 17-02-2021 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) By Courts Motion, AOR

Mrs. Priya Puri, AOR  
Mr. Ranjay Dubey, Adv.  
Mr. Yati Sharma, Adv.  
Mr. Sharad Puri, Adv.  
Mr. Vibhav Srivastav, Adv.

For Respondent(s) Mr. Subhash Chandra Jain, AOR  
Ms. Sangeeta Kumar, AOR  
Mr. M. C. Dhingra, AOR

UPON hearing the counsel the Court made the following  
O R D E R

This Court, while disposing of Civil Appeal Nos.6055-6056 of 2015 has observed, thus :

"We, therefore, allow these appeals and set aside the judgment and order passed by the Company Judge and also the order passed by the High Court in appeal. Consequently, the Official Liquidator is directed to forthwith recover the possession of the properties and proceed with a fresh

auction after obtaining the fresh valuation report and fixing the reserve bid. Needless to say that all further actions shall be taken in accordance with the procedure established by law."

We have perused the short report of the Official Liquidator which does not make any sense. The Official Liquidator should be present before this Court on the next date of hearing to answer the following :

1. He was directed to forthwith recover possession of the properties and proceed with fresh auction after obtaining fresh valuation report and fixed the reserve bid. There is nothing on record to show as to when the possession of the property was taken and as to when he has proceeded to fresh auction after obtaining fresh valuation report. So also there is nothing on record to show as to whether and when the reserve bid was fixed.
2. Though the properties were bifurcated as seen from the affidavit of Smt. Rajeshwari dated 8<sup>th</sup> September, 2020, why the Official Liquidator permitted to demolish the old structures without any valuation.
3. Order of this Court is of 2015. Now we are in 2021. The Official Liquidator should explain as to why there is a delay on his part.
4. We also find that the office report of the Registry is bald. Nothing is found in that. This is not the way in which the Registry should prepare the office report. The Registry is

maintained by the Senior District Judges. They should be more responsible. Therefore, the office report should be a speaking report. Therefore, the concerned Registrar also should submit a report as to why the Registry did not give a speaking report.

5. Mr. Avinash Bhat, G.M., M/s. Texplas (India) Private Limited (auction purchaser) shall also remain personally present on the next date of hearing and explain on what basis he has purchased the property without the order of the Court.

Issue notice to Mr. Avinash Bhat, G.M., M/s. Texplas (India) Private Limited (auction purchaser).

Dasti, in addition, is permitted.

The Official Liquidator and Mr. Avinash Bhat shall remain personally present before this Court on 9<sup>th</sup> March, 2021 with all the records. No further explanation from them will be entertained.

List on 09.03.2021.

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(R.S. NARAYANAN)  
COURT MASTER