

**IN THE COURT OF SESSION FOR GREATER BOMBAY**

**MISC. APPLICATION NO.1079 OF 2017**

**IN**

**M.P.I.D. SPECIAL CASE NO.1 OF 2014**

The State of Maharashtra  
(Through Competent Authority  
appointed under MPID Act, 1999) ...Applicant

Vs.

National Spot Exchange Limited and Others ...Respondents

And

1. Mohan India Private Limited  
F-211, Lane W5/20, Western Avenue,  
Sainik Farms, Mehrauli,  
New Delhi – 110 062.

2. Tavishi Enterprises Pvt. Ltd.  
F-211, Lane W5/20, Western Avenue,  
Sainik Farms, Mehrauli,  
New Delhi – 110 062.

3. Brinda Commodity Private Limited  
F-211, Lane W5/20, Western Avenue,  
Sainik Farms, Mehrauli,  
New Delhi – 110 062.

...Interveners/  
Proposed Respondent

Ms. Kalpana Chavan, Ld. SPP for applicant State/ EOW  
Mr. Karnik, Ld. Advocate for NSEL.  
Mr. Vijay Singh, Ld. Counsel for intervener

**CORAM : H.H.THE SPECIAL JUDGE**  
**SHRI. MILIND V. KURTADIKAR**  
**(C.R. No.33)**

**DATE : 7<sup>th</sup> November, 2017**

**(Dictated and Pronounced in Open Court)**

**ORDER**

The State of Maharashtra through Competent Authority appointed under MPID Act is seeking permission for auction of the properties attached and made absolute under the MPID Act. The description of the properties under reference is given in Annexure A attached to this application.

2. It is alleged that this Court vide orders dated 18/1/2016, 28/1/2016, 28/3/2016, directed the applicant therein to proceed with the sale of two properties attached and made absolute in Exh.74. Pursuant to said direction applicant has published auction notice for sale of above two properties on 9/2/2016 and 8/6/2016 but no bids were received on both the auction. The report to that effect was submitted by the applicant to this Court on 1/8/2016. Now the Government of Maharashtra vide its resolution dated 19/5/2017 has appointed M/s. HDFC Realty for assisting the applicant for valuation and disposal of the attached properties. In view of said resolution M/s. HDFC Realty has made valuation of above two properties. On this submission, the applicant State prayed for permission to proceed with the sale of above two properties by electronic auction.

3. When the matter was taken for hearing on 18/9/2017, Ld. Counsel for respondents NSEL submitted that NSEL has no objection for auction sale of the properties mentioned in the application. On such

submission, the matter was posted for order.

4. However, on 26/9/2017, M/s. Mohan India Private Limited, M/s. Tavishi Enterprises Private Limited and M/s. Brinda Commodity Private Limited have filed intervention application vide Exh.2. In view of no objection given on behalf of applicant / State said intervention application is allowed and the intervener is permitted to file reply and make oral submissions.

5. Accordingly, the intervener Nos.1 to 3 have filed reply at Exh.4. It is their submission that by way of order dated 17/10/2015 in MA No.432/15, this Court has permitted applicant / Competent Authority to sale said properties in view of no objection given by the interveners. That order is still in force as well as M/s. Mohan Group i.e. interveners has not withdrawn its consent given for the sale of those two properties. In such circumstances, there is no need to file application afresh for seeking permission for sale of above two properties. The applicant / State can very well proceed ahead with auction sale of above two properties by virtue of that order.

6. Ld. Counsel appearing on behalf of first informant also submitted that there is order of this Court in MA No.432/17 regarding auction sale of above two properties and that order is still in existence and it will suffice the prayer made in present application.

7. On going through above submission and more particularly on going through earlier order of this Court in MA No.432/15 dated 17/10/15, it is very much clear that first informant has filed MA No.432/15 directing State EOW to sale these properties. From that order it is very much clear that M/s. Mohan Group has given no objection for auction sale of these two properties and this Court has directed the Competent Authority to auction sale the properties. The Court also directed the investors M/s. Mohan Group and Investigating Officer to help Competent Authority for sale of above notified properties.

8. In addition to it, it is not disputed that said order dated 17/10/15 in MA No.432/15 is still in existence. So also, it is also submitted on behalf of interveners that no objection given in MA No. 432/17 for sale of above two properties is still continued and not withdrawn. In such circumstances, I am of the opinion that there is no need to pass separate order afresh in this application. Accordingly, the order.

### **ORDER**

1. In view of above observations and in view of earlier order dated 17/10/15 in MA No.432/15 the application i.e. MA No.1079/17 is disposed of.
2. It is needless to say that the applicant / Competent Authority can very well proceed ahead with the auction sale of above two properties by

way of electronic auction and sale proceed be deposited in the account of Competent Authority.

3. On compliance, report to that effect be submitted to this Court.

Dt.7/11/2017

(Milind V. Kurtadikar)  
Special Judge,  
City Civil & Sessions Court,  
Gr. Bombay.

Order Dictated on : 7/11/2017  
Transcribed on : 8/11/2017  
Signed on

“ I affirm that the contents of this PDF file order are the same, word to word, as per the original order.”

Name of Steno with post : Mrs. M. A. Kale  
(Stenographer H.G.)

Name of the Judge (with Court No.) : H.H.J. Shri. M. V. Kurtadikar,Court No.33

Date of pronouncement of order :7/11/2017

Order signed by the P.O. on :8/11/2017

Order uploaded on :8/11/2017

"Certified to be true and correct copy of the original signed Judgment / Order."

Upload date and time  
8/11/2017 4.52 p.m.

Name of Stenographer  
Mrs. M. A. Kale