

MOBILE NO.- 9839088639.

SHRI RAJESH KUMAR SINGH,
ADVOCATE, HIGH COURT,
TABLE NO.5, BAR LIBRARY HALL,
HIGH COURT, ALLAHABAD.

Date of Application 13/7/09
Date of 13/7/09
Date of delivery 13/7/09
District Agent Desha

RES. A-II/99, BADRI AVAS YOJANA,
RASOOLABAD, TELIARGANJ,
ALLAHABAD.

company petition No 74/99

causit. - Pratap zark

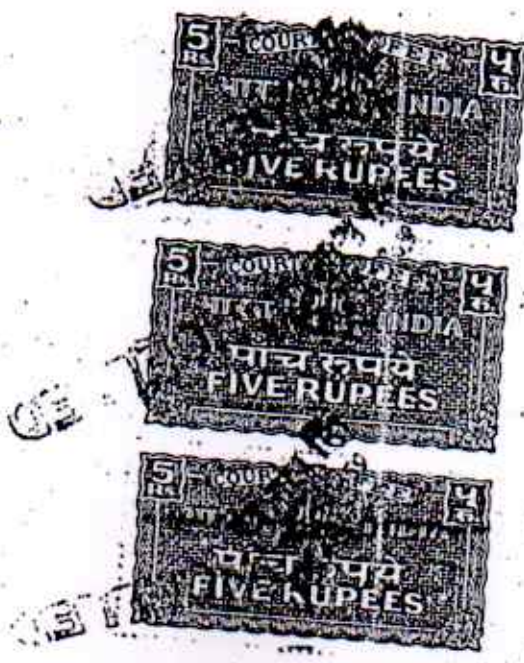
in the matter of Auto tractor Pvt.
limited and others

B. 17/7/09
Section Officer
High Court
Allahabad

order dt. - 10-7-2009

17499
Shukla
17/7/2009

14680
13/7/09





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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
ORIGINAL JURISDICTION

In the matter of Companies Act, 1956

and

In the matter of Auto Tractors Limited
(to be wound up)

8322

Company Petition No. 74 of 1999

petition under S. 433 & 439 of Companies Act, 1956

1. Wazir Chand Malik
C/o Shubham/confectioners,
Pachend Road, Muzaffarnagar (U.P.)
 2. Kirat Pandit, Sole Proprietor,
Auto Diesels,
46, G.T. Road,
Asansol, West Bengal.
 3. Sri Ram Mohan Srivastava, Sole Proprietor,
J.S. Tractors,
158 Partappura
Agra Cantt 282005. (U.P.)
 - Sribir Enterprises, Shri N. K. Jain, Managing Director,
41 Jangpura Road
Bhogal
New Delhi 110014
 - Sajjad Ahmad Khan,
India Trading Company,
Khajoria Road, Civil Lines,
Siddharthnagar (U.P.)
- Other creditors as per lists

corrected by the order of the
court dt: 21.9.1999

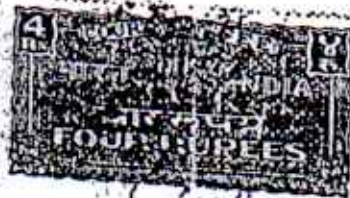
(Signature)
23.9.1999

Petitioners

SUS

Auto Tractors Limited,
Regd. Office : Bhupia Mau,
Lucknow-Varanasi Highway,
Post box No.1,
Pratapgarh - 230001 (U.P.)

(Signature)
17/7/09
Sajjad Ahmad Khan



2. Sale of U.P.
Through Chief Secretary Govt. of U. P.
Sachivalaya Annexe
Lucknow 226001

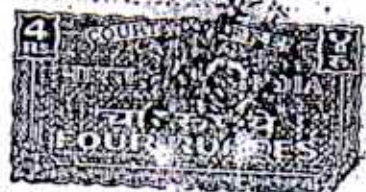
3. Maestro Motors Ltd.
149 / 150 Bandapur Village
Marasoor Post
Aneki Taluk,
Bangalore Dist. - 562106



4. Sri Ajay Prakash Varma
Principal Secretary Industry
& Industrial Development
Commisioner Govt. U.P.
Chairman ATL
Sachivalya Annexe
Lucknow 226001

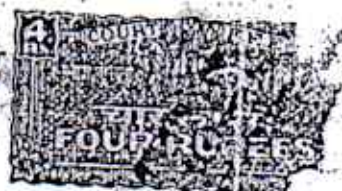


5. Hari Gupta & Co.
Chartered Accountants
Maliabaas, 16 Church Lane,
Allahabad.



6. Vinay Kumar & Co
Chartered Accountants,
5, Sardar Patel Marg,
Allahabad - 211001

Q.A. 9/12



7. Ridhi Karan Sipani
868' 5th "A" Cross 17th E Main
6th Block, Koramangala
Bangalore 560034



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in
of

8. Ramesh Sipani
S/o Ridhi Karan Sipani
868' 5th "A" Cross 17th E Main
6th Block, Koramangala
Bangalore 560034

9. Ajay Kapoor
Ajay Kapoor & Co.
Chartered Accountants,
49, IInd Floor
Ch. Balbir Singh Palace,
Paschim Vihar,
New Delhi - 110063

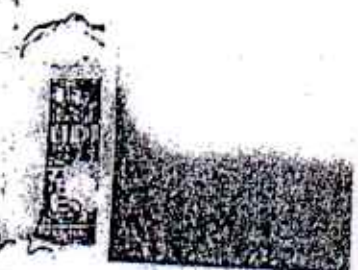
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The Petitioner . Sajjad Hussein, Prop. of India Trading Co. RESPONDER
aged about years resident of

Shkille
7/7/69

By 7/7/69
Section Officer
High Court

showeth as follows



order on separate sheets

Court No. 22

Company Petition No. 74 of 1999
In the matter of
M/s Auto Tractors Ltd. (In Liq.)

Hon. Sunil Ambwani, J.

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Heard Shri Dinesh Kakkar assisted by Shri Rajesh Kumar Singh in support of Misc. Application No. 63037 of 2009 under Section 151 of the Code of Civil Procedure read with Chapter XXII Rule 1 of the Allahabad High Court Rules for modifying the order dated 29.5.2009 limited to the extent to direct the district administration as well as the Official Liquidator not to take over the possession of the school building and land in the premises of the company (In Liq.) till the negotiation as contemplated under the order dated 15.11.2006 is permitted.

Shri Dinesh Kakkar has pointed out to the orders dated 11.10.2006 by which it was directed by the Court as follows:-

"Let the petitioner in Writ Petition No. 3973 of 2001 and the Manager of the society file an affidavit annexing therewith documents with regard to ownership of land and building. It is made clear that if the land and building does not belong to the school, the Court would still not like to disturb the school and would make some arrangement so that the students and teachers should not suffer."
List on 02.11.2006

Shri Kakkar thereafter pointed out the order dated 15.11.2006 in which the Court observed as follows:-

"It is orally stated that there are about 350 children taking education in the school upto Class VII. There were some disputes in the management of the school. The number of teachers have not been given in the writ petition, nor in the application filed by the alleged Manager.

The school building and land prima facie belongs to the company (In Liq.). The question, whether the school should continue in the building may be considered at the time when bids are finalized, on negotiation with the prospective purchaser. The dues of 3000 workmen and the creditors cannot be delayed on the ground that a few

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Section Officer
High Court

teachers and one person alleging himself to be the manager do not want the school building to be sold out.

There is no question of dis-affiliation of the school at this stage nor the Official Liquidator wants to stop or evict the school. The school may continue as it is. The transfer of land and building for the running of the school at the same place or at any other place will be subject to negotiation with the prospective bidder.

Both the writ petition as well as the miscellaneous application are disposed of with these observations.

On 29.5.2009 the Court heard Shri Rajnath N. Shukla for the Official Liquidator on the O.L. Report NO.153 (Jud.) of 2009. The Official Liquidator was directed to take over the possession of the colonies of the company including the assets of the company, including Tenuga Colony, school building and the building, where gas agency is situate through the District Magistrate, Pratapgarh and to hand over the vacant possession after eviction of all occupants of the premises. The Court thereafter, observed:

"It is stated that the school is no longer running and that there are no students studying in the school. The Asset Sale Committee has also requested that the District Magistrate, Pratapgarh may be directed by the Court to fix a date for demarcation proceeding of Tenuga colony and the vacant land behind the factory.

It is pointed out that in spite of several advertisements, no concrete offer has been received to purchase the assets. Shri Dinesh Kulkarni states that there are 24 teachers and 20 children studying in Class 1 to 12 and that school is recognised by the Central Board of Secondary Education. He submits that the handing over of the school building and the school to the Official Liquidator at this stage will have no purpose as the Court has already permitted the school to negotiate with the prospective bidder for purchase of the assets of the company.

He submits that the school is ready to offer a reasonable price of the land and building, of the Official Liquidator.

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The Court had expressed its opinion in its order dated 11.10.2006 and 15.11.2006 that the object of taking possession is not to disturb the education of the children and running of the school.

The information given by the Official Liquidator on 29.5.2009 that the school is no longer running in the building and that there are no students studying in the school does not appear to be entirely correct. The Official Liquidator will verify the facts and submit a report to the Court after making inspections on any day, when the school is open.

Let the Official Liquidator take over the notional possession of the school building and the land after demarcating the land and the building through the District Magistrate. Shri Dinesh Kakkar states that the applicant will cooperate in handing over the notional possession and will sign over the documents. The occupants of the school including management, teachers, students and staff shall not be physically dispossessed. The school will continue to run under the Official Liquidator but will not have permission of the Court to make any fresh constructions or to change the nature of the building or the land.

With regard to proposal of the school to purchase the land and building, the offer can be considered at the time when the other offers for the assets in liquidation are considered by the Court. Any order allowing the school to make an offer or to deposit any money, may prejudice the sale of the assets of the company (In Liq.).

The Official Liquidator report No.171 (Jud.) of 2009 is

taken on record.

DI:10.07.2009

SP/-0

Sd/- Sumit Ambekar - J.

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