



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

ORIGINAL SIDE APPEAL NO. 8 OF 2025

BETWEEN:

MR. R.B. KAMATH
S/O LATE B.S KAMATH,
AGE ABOUT 63 YEARS
RESIDING AT 1206, PLANET SKS,
KADRI HILLS, MANGALORE - 575008

...APPELLANT

(BY SMT. SPOORTHY COTHA, ADVOCATE FOR
SRI. A.S VISHWAJITH, ADVOCATE)

AND:

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

OFFICIAL LIQUIDATOR OF
M/S. KAMATH PACKAGING LIMITED
(IN LIQUIDATION)
ATTACHED TO HIGH COURT OF KARNATAKA,
CORPORATE BHAWAN,
NO .26-27, 12TH FLOOR,
RAHEJA TOWERS, M.G ROAD,
BANGALORE - 560 001

...RESPONDENT

(BY SMT. SAMEEKSHA PATIL, ADVOCATE FOR
SMT. KRUTIKA RAGHAVAN, ADVOCATE)

THIS APPEAL IS FILED UNDER SECTION 438 OF THE
COMPANIES ACT 1956 READ WITH SECTION 4 OF THE



KARNATAKA HIGH COURT ACT 1961 PRAYING TO SET ASIDE THE ORDER DATED 23.10.2025 ANNEXED AS ANNEXURE-A IN CA NO.225/2025 IN CA 863/2025 IN COMPANY PETITION NO.3/1994 AND ETC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard the learned counsel for the appellant and Ms.Kruthika Raghavan, learned counsel appearing on behalf of for the respondent-Official Liquidator.

2. Under the challenge is an order dated 23.10.2025 passed by the learned Single Judge of this Court, whereby an application moved by the appellant under Order VIII Rule 1A of CPC for production of an additional document was rejected.

3. Learned counsel for the respondent-official liquidator states that she does not propose to file any statement of objection to the appeal and it may be disposed of



at this stage itself and she is ready to address the Court. Accordingly, this appeal is taken up for disposal.

4. The contention on behalf of the appellant is that the appellant was the Managing Director of the company under liquidation which was ordered to be wound up on 04.09.1997. Misfeasance proceedings were initiated by the respondent- Official Liquidator under Section 543 of the Companies Act, 1956 falsely accusing the appellant and others for mis-application of the company funds and seeking that the appellant and others repay the company in liquidation the amount stated in that application. It is stated that one of the allegations made by the Official Liquidator was that the appellant availed a fraudulent loan from Karnataka State Industrial and Infrastructure Development Corporation Ltd. (KSIIDC) to the tune of ₹90,00,000/-.

5. The appellant had filed his statement of objections to that application with the documents he was relying on 14.09.2006. A decade later, KSIIDC issued a letter on 04.02.2016 confirming the receipt of ₹50,90,295/- in total towards a One Time Settlement (OTS). It is stated that this



letter would disprove the allegation being levelled by the Official Liquidator against the appellant and therefore it was necessary to be brought on record before the learned Single Judge, who was considering the application for misfeasance being moved by the Official Liquidator. It is stated that the appellant had recently discovered the letter and realised that it was relevant for the purpose of proper decision of the Company Application No.863/2002, which was filed by the Official Liquidator alleging misfeasance. However, he did not realise the relevancy of the document given the fact that the Company Application No.863/2002 was going on for more than two decades, it continues to be at the stage of evidence.

6. However, by means of the impugned order, the learned Single Judge has rejected the application of the appellant for producing the document on the ground that no due diligence was exercised by the appellant in furnishing the document during the period from 2016 to 2025.

7. The contention is that misfeasance proceedings under Section 543 of the Companies Act, 1956 may render the applicant criminally liable apart from the possibility of the civil



consequences being visited on him due to any orders being passed by the Court accepting the application of the Official Liquidator.

8. Learned counsel for the respondent has opposed the application citing the delay in filing the application, but has not been able to dispute the fact that the document that is sought to be filed by the appellant may be required to be considered by the Company Court for proper adjudication of Company Application No.863/2002.

9. In our considered opinion, the document dated 04.02.2016 that is being sought to be produced by the appellant may have a bearing on the outcome of the aforesaid Company Application No.863/2002 given the nature of the allegations levelled therein.

10. For the reasons aforesaid, we allow this appeal and accept the letter dated 04.02.2016 that is enclosed as Annexure-'B' to this appeal and which is also stated to be enclosed with the application moved by the appellant before the Company Court on 28.08.2025 in Company Application



No.863/2002. The said application moved by the appellant is allowed.

11. This appeal is accordingly ***allowed***. It is however left open to the Official Liquidator to raise such objections to the letter dated 04.02.2016 as may be available to it as per law.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 4