

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY PETITION NO.827 OF 2014

M/s. Keaser Compressors (India) Pvt. Ltd.	...	Petitioner
versus		
M/s. Birla Surya Ltd.	...	Respondent

Mr. Pralhad Paranjape i/by Mr. Ruturaj Pawar, for Petitioner.

None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th FEBRUARY, 2015

PC.

1. The above Company Petition is filed against M/s. Surya Birla Limited. The Petition is not accepted till date since the Advocate for the Petitioner has not removed office objections. On 15th November, 2014, this Court passed the following order :

“The above Company Petition is filed on 15th January 2014. Office has raised objections on 1st February 2014. The Petitioner and/or their Advocate have till date failed to remove the said office objections. The Petition therefore deserves to be forthwith dismissed for want of prosecution. However, dismissal of the Petition will cause grave harm and prejudice to the Petitioner. In view thereof, as a last chance and only by way of indulgence, the Petitioner and their Advocate are granted time up to 24th November 2014 to remove the said objections, failing which the Company Petition shall stand dismissed without reference to this Court”.

2. The Petition was thereafter, called out on 8th December, 2014 before the Company Registrar, when once again none appeared for the Petitioner. In view thereof, the Company Registrar passed the following order :

“The matter is placed on board for acceptance. However, matter is called twice but neither Petitioner nor Advocate for the Petitioner has appeared before me. In view of the above, stand over to 15th December, 2014.”

3. On 15th December, 2014, the Company Registrar recorded that the Petitioner is not signed by the Petitioner. The Advocate for the Petitioner informed the Company Registrar that he will take steps in respect of the same. On 22nd December, 2014, the Advocate for the Petitioner stated that he will bring the latest order passed in Company Petition No.412 of 2013, which is filed against the Company or any other order to verify that the Company is under liquidation. On 04-02-2015, when the matter was called out before this Court, none appeared for the parties and therefore, the above Petition was directed to be placed today for dismissal.

4. Since the Company – M/s. Birla Surya Limited, has been wound up by an order passed by this Court dated 21-07-2014 in Company Petition No.433 of 2013, the question of now accepting the above Petition does not arise and the Petitioner is granted liberty to file its claim before the Official Liquidator. In the event of the claim being filed by the Petitioner, the Official

Liquidator shall adjudicate the same within a period of six months from today.

The Company Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)