

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMPANY APPLICATION NO. 217 OF 2015****IN****COMPANY PETITION NO. 174 OF 2002**

Mr.Jatin Narendra Maru

...Applicant / Ex-Director

In the matter of

Smt.Dinta D. Doshi

...Petitioner

vs.

M/s.Mistry Prabhudas Manji Eng.Pvt.Ltd.

...Respondent

WITH

COMPANY APPLICATION NO. 352 OF 2015**IN****COMPANY PETITION NO. 174 OF 2002**

Meringue Hotels Pvt.Ltd.

...Applicant

In the matter of

Smt.Dinta D. Doshi

...Petitioner

vs.

M/s.Mistry Prabhudas Manji Eng.Pvt.Ltd.

...Respondent

Mr.Kayur Khandeparkar i/b. Pradosh Patil for Applicant in CA 217/2015.

Mr.Kezer Kharawalla for Applicant in CA 352/2015.

Ms.Prathibha Ramaswamy, Asstt.Official Liquidator.

CORAM : S.C. GUPTE, J.**23 SEPTEMBER 2015****P.C. :**

The company application seeks recall of a winding up order on the ground that the Applicant, who is the ex-director of the Respondent to the company petition, has settled the claims of the Petitioner as well as other creditors.

2 In pursuance of an order passed by this Court, a public notice has been issued inviting claims from creditors of the company in liquidation. In

response to this notice, no claims have been received by the Official Liquidator, save and except the suo motu claim of the Sales Tax Authority for an amount of about Rs.27.59 crores.

3 Learned Counsel for the Applicant has submitted before this Court compilation of various orders passed by the Joint Commissioner of Sales Tax (Appeals) by which the assessment orders demanding recovery of tax aggregating to Rs.27.59 crores have been set aside. These orders have been passed on 28 November 2014 and have not been carried in appeal further by the Sales Tax Department.

4 Considering the fact that the original Petitioner as well as the assignee of the Intervenor, who got themselves substituted in place of the original Petitioner, confirms the fact of having settled their respective claims, and also considering the fact that there are no valid claims received by the Official Liquidator in pursuance of the public notice issued in that behalf, the application deserves to be allowed and the order of winding up recalled and set aside.

5 Under an order passed by the DRT-3, Mumbai, the Respondent company is directed to pay sums of Rs.24,885/- and Rs.20,491/-. The Applicant shall deposit these amounts with the Official Liquidator within a period of three weeks from today.

6 Accordingly, the application is allowed in terms of prayer clauses (a) and (b). The Official Liquidator is discharged. The Official Liquidator's costs, quantified at Rs.25,000/-, shall be paid by the Applicant within a period of three weeks from today. The Application is disposed of accordingly.

7 In view of the order passed on Company Application No.217 of 2015, Company Application No. 352 of 2015, which seeks permission under Section 536(2) for a sale conducted outside winding up, does not survive and the same is disposed of

(S.C. Gupte, J.)

CERTIFICATE

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