

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

**APPEAL NO. 195 OF 2015
IN
COMPANY PETITION NO. 365 OF 2014**

Jord Engineers India Ltd. .. Appellant

vs

Navindhi Steel & Engineering Co. Pvt. Ltd. .. Respondent

Mr. Amit Jajoo with Ms. Sushmita Gandhi and Mr. Victor Basu for the appellant.

Mr. Prakash H. Chande for the respondent.

Mr. Rakesh Reddy for the Official Liquidator.

**CORAM: MOHIT S. SHAH, C.J. &
G.S. KULKARNI, J.**

DATE : 31 MARCH 2015

P.C.:

This appeal is directed against the order dated 5 February 2015 of the learned Company Judge for winding up of the appellant company. When the appeal was heard, on 10 March 2015 the following order was passed:-

“Since the applicant is claiming protection under sections 22 and 26 of the Sick Industrial (Special Provisions) Act 1985, the applicant shall file an affidavit setting out the exact status of the proceedings before the Board for Industrial and Financial Reconstruction including case number and orders passed from the date of purchase of goods by the applicant from the respondent (petitioner) and thereafter. The affidavit shall be filed within two weeks from today. Till then, there shall be ad-interim stay of the winding up proceedings in company petition No.365 of 2014 till the next date of hearing.”

2. At the hearing today, the learned counsel for the appellant seeks leave to withdraw the appeal on the ground that the appellant proposes to file an application before the learned Company Judge for recalling the order dated 5 February 2015.

3. The learned counsel for the respondent (petitioning creditor) opposes the request and submits that in spite of the aforesaid order dated 10 March 2015, no affidavit has been filed on behalf of the appellant company indicating the status of the proceedings before the BIFR.

4. While granting leave to the appellant to withdraw the appeal, we make it clear that it will be open to the respondent herein (petitioning creditor before the learned Company Judge) to request the learned Company Judge to direct the appellant (respondent before the learned Company Judge) to file an affidavit as per the above order.

5. The appeal according stands disposed of. The ad-interim stay granted earlier stands vacated forthwith.

CHIEF JUSTICE

(G.S. KULKARNI, J.)