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

**COMPANY APPLICATION NO.898 OF 2015
IN
COMPANY PETITION NO. 576 OF 2014**

M/s MTZ Industries Ltd. ...Applicant.
In the matter between
Board for Industrial & Financial Rehabilitation (BIFR) ...Petitioners
Vs
M/s MTZ Industries Ltd. ...Respondent.

.....
Mr Nikhil Karnavat a/w Ms Mansi Patel i/b Thakore Jariwala & Associates for the Applicant.

.....
**CORAM : S.C. GUPTE, J.
OCTOBER 08, 2015**

P.C. :

The company application seeks recall of an admission order passed on a suo-motu petition for winding up of the Applicant company on the recommendations of Board for Industrial & Financial Rehabilitation ("BIFR") under the Sick Industrial Companies (Special Provisions) Act, 1985. It is case of the Applicant that the order of BIFR recommending winding up has been challenged by the Applicant before AAIFR. The Applicant's appeal is pending before AAIFR. It is submitted that this fact, however, could not be pointed out by the Applicant to the Court when the admission order was passed due to non-receipt of service of the petition at its business address. For the reasons stated in the affidavit in support of the application, the Company Application is allowed in terms of prayer clause (a). Company Petition No.576 of 2014 shall now appear on board for admission on 26 October 2015. The Applicant company shall place on record the status of AAIFR appeal by the next date. Company Application is disposed of accordingly.

(S.C.GUPTE J.)

CERTIFICATE

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