

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION (L) NO. 221 OF 2015
IN
COMPANY PETITION NO. 81 OF 2013

Vyankatesh Pidiyar ... Applicant

IN THE MATTER BETWEEN :

Lok Beta Pharmaceuticals (Ind) Pvt.Ltd. ... Petitioner

Versus

The OL of M/s. Emprocell Clinical

Research Private Limited ... Respondent

Mr.C.N. Mehta i/b. MMK Law Associates for the Applicant.

Mr.A.Bapat i/b. Satendra Kumar for the Petitioner.

Mr.S. Ramakantha, OL, present.

Dr.Vyankatesh Pidiyar-Applicant, present.

Ms.Daria Syvokon, Finance Director of the Respondent, present.

CORAM : S.J. KATHAWALLA, J.

DATED : 8TH MAY, 2015

P.C.

1. On 17th April, 2015 this Court passed the following order :

“1. By the above Company Application, the Applicant Company seeks recall of the order dated 6-2-2015 by which the Applicant Company was ordered to be wound up. Before proceeding with the hearing of the matter, the Official Liquidator is directed to issue advertisement in

Freeformat-I Press Journal (in English) and Navshakti (in Marathi) inviting claims from the workers / creditors of the Company in the format of advertisement as provided by the Office of the Official liquidator. The Official Liquidator shall also state in the said advertisement that the above Company Application is filed by the Company for setting aside the order of winding up dated 6-2-2015 which is placed for hearing before this Court on 6-5-2015 and any party desirous of objecting to the reliefs claimed in the said Application may remain present before this Court on 6-5-2015 at 11 a.m., failing which the Court shall proceed to hear the Application on merits and pass necessary orders. Stand over to 6-5-2015”.

2. The Official Liquidator informs the Court that the order dated 17th April, 2015 has been complied with and that he has not received any claims from the workers / creditors of the Company in response to the said advertisement.

3. The learned Advocate appearing for the Respondent has handed over demand drafts / cheques of Rs.4,43,66,583/- to the Petitioner. Out of the said amount of Rs.4,43,66,583/-, an amount of Rs.4,50,000/- has been paid in cheque. In view thereof, the order passed by this Court dated 6th

February, 2015 is set aside subject to realization of cheque of Rs.4,50,000/-.

4. The Company Application is accordingly disposed of.

(S.J. KATHAWALLA, J.)