

dik

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

**COMPANY APPLICATION NO. 566 OF 2014
IN
COMPANY PETITION NO. 192 OF 2012**

M/s Wellbert Pharmaceuticals (Bombay) Pvt. Ltd. ...Applicant

In the matter between

M/s Healthcaps India Ltd. ...Petitioner

VS

M/s Wellbert Pharmaceuticals (Bombay) Pvt. Ltd. Anr...Respondents

.....
Mr R Pandey i/b P.V.Dhopatkar for the Applicant.

Ms Pratibha Ramaswamy Asstt. O.L. Present.
.....

CORAM : S.C. GUPTA, J.

SEPTEMBER 23, 2015

P.C. :

The Application seeks recall of the winding up order passed ex-parte on 5 August 2014. The application is on the footing that the Applicant (original Respondent in the Company Petition) could not appear at the hearing of the Petition due to ill-health of its Director. It is submitted that in the reply to the statutory notice the Company has raised bona-fide disputes concerning the alleged debt of the original Petitioner. Besides, Applicant Company's reference under the Sick Industrial Companies (Special Provisions) Act, 1985 has been pending before the BIFR.

2 None appears today on behalf of the original Petitioner. There is no reply filed by the original Petitioner to the application herein.

3 The Official Liquidator has filed an affidavit in reply. The reply indicates that despite public notice inviting claims, no claim is received from any creditor against the applicant – company.

4 In the premises, the Company Application is allowed in terms of prayer clause (a). The ex-parte order dated 5 August 2014 is recalled and set aside. The Company Petition is restored on board. The Applicant is permitted to file a reply opposing the Company Petition. Such reply to be filed within a period of three weeks from today. Place the Company Petition for admission on 19 October 2015. The applicant shall pay costs of the Official Liquidator quantified at Rs.25,000/-.

(S.C.GUPTE J.)

CERTIFICATE

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