

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

**COMPANY APPLICATION NO.447 OF 2014
IN
COMPANY PETITION NO.790 OF 2005**

Maharashtra State Financial Corporation (MSFC) ... Applicant
versus
The Official Liquidator of M/s. Libra
Polymers Pvt. Ltd. (in Liqn.) ... Respondent

Ms. C.B.Kher i/by Mrs. Shamika Ranade, for Applicant.
Mr. S. Ramakantha, Official Liquidator, present.

CORAM: S.J. KATHAWALLA, J.

DATE: 18th MARCH, 2015

PC.

1. Despite the three letters written by the Office of the Official Liquidator dated 19-01-2012, 27-03-2012 and 26-03-2014, calling upon the Applicant – MSFC to submit copy of the Forms 8/13 filed with the Registrar of Companies along with the certified copy of share certificate issued by the Registrar of Companies and other documents and details, the Applicant MSFC has failed to respond to the request of the Official Liquidator. The Official Liquidator was therefore, constrained to reject the claim of the Applicant by his letter dated 26-03-2014.

2. The above Company Application is now taken out by the Applicant MSFC for setting aside the order rejecting the claim of the Applicant

dated 26-03-2014. The learned Advocate for the Applicant states that the letters written by the Office of the Official Liquidator to the Applicant were replied to by the Applicant. However, he is unable to produce the same. In any event, the same have not been relied upon or annexed to the Affidavit in support of the above Company Application. Though, it is true that this Court in its order dated 8th June, 2007 has recorded that the Applicant therein (SICOM) has submitted in Court that the Applicant MSFC is a secured Creditor, in my view, the Applicant has to satisfy the Official Liquidator that it is in fact a secured creditor of the Company in liquidation by producing necessary documents required under the provisions of the Companies Act, 1956. In view thereof, the Applicant MSFC is once again given an opportunity to file all the relevant documents with the Office of the Official Liquidator within a period of two weeks from today and the Official Liquidator shall thereupon, adjudicate the claim of the Applicant and pass necessary orders. The Company Application is accordingly disposed of.

(S.J.KATHAWALLA, J.)