

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION (L) NO.569 OF 2014
IN
OFFICIAL LIQUIDATOR'S REPORT NO.5 OF 2013
IN
COMPANY PETITION NO.423 OF 2010
ALONG WITH
COMPANY APPLICATION NO.188 OF 2013
IN
COMPANY PETITION NO.423 OF 2010**

Omkar Kanegaonkar	...	Applicant
and		
International Asset Reconstruction Company Pvt. Ltd.	...	Petitioner
versus		
Deepak @ Gajanan Kanegaonkar and Ors.	...	Respondents

Mr. Nishant Sangle i/by Ms. Navaneetha Krishanan T., for Applicant.

CORAM: S.J. KATHAWALLA, J.

DATE: 10th APRIL, 2015

PC.

1. The above Company Application is filed for the following reliefs :

- (a) declare that the order dated 1st August, 2014 passed by this Hon'ble Court in the above Company Petition is void *ab initio*, one rendered in violation of the doctrine of *audi alteram partem* and therefore, liable to be declared so;
- (b) recall/review (a phraseology commonly used, though the remedy thereby sought is a declaration of nullity, for recall/review is a procedure by which a declaration of nullity

could be obtained) the order dated 1st August, 2014, passed by this Hon'ble Court in the above Company Petition;

(c) expunge the observations made in paragraphs 56 to 70 of the order dated 1st August, 2014 passed by this Hon'ble Court as they are rendered in violation of the doctrine of *audi alterram aprtem* and wholly unjust, unfair and illegal;

2. The Company Application is today placed on board for rejection on the ground of non removal of office objections.

3. An undertaking was given to the Court office on 07-11-2014 in the above Application that the Vakalatnama of Ms. Navaneetha Krishanan T., shall be filed within a period of 7 days from 07-11-2014. However, the undertaking is breached and till date the Vakalatnama is not filed.

4. Objections are raised by the Court Office on 21-11-2014. The objections are till date not removed. In view thereof, the Company Application is dismissed under Rule 986 of the Original Side Rules.

(S.J.KATHAWALLA, J.)