

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

COMPANY APPLICATION (CAO) NO. 540 TO 559 OF 2015
WITH CONNECTED COMPANY APPLICATIONS (CAO) NOS. 541, 542, 543, 544,
545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559 of 2015.
IN
COMPANY PETITION NO. 3 OF 2010

Sanjay Bhayyaji Nimbalkar & 47 ors. Vs. Mahadeo Land Developers Pvt. Ltd.

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri S. N. Bhattad Adv for petitioner.
Shri Anjan De Adv for respondent.
Shri A. S. Kilor Adv for applicant.

CORAM: A.S.CHANDURKAR J.

DATED: 24th JULY, 2015.

These applications have been filed seeking leave to continue proceedings filed by the applicants before the Additional District Consumer Dispute Redressal Forum, Nagpur. Said complaints filed under provisions of Section 12 of the Consumer Protection Act, 1986, are against the Company that is under liquidation. It is, therefore, prayed that leave be granted to proceed with those proceedings or the proceedings be transferred to this Court for adjudication.

In the reply filed by the Official Liquidator it has been stated that leave may not be granted to proceed with the complaints that are pending before the Consumer Forum and that this Court may exercise jurisdiction under Section 446(2)(a) of Companies Act, 1956. Considering the fact that the

Company in question is under liquidation by virtue of orders passed in Company Petition No. 3 of 2010 and properties stand attached, in terms of provisions of Section 446(2) Consumer Complaint Nos. 13/37/2014, 14/114/2014, 14/112/2014, 14/44/2014, 14/35/2014, 14/38/2014, 14/110/2014, 14/111/2014, 14/36/2014, 14/42/2014, 14/41/2014, 14/34/2014, 14/43/2014, 14/53/2014, 14/40/2014, 14/115/2014, 14/52/29014, 14/46/2014, 14/39/2014, 14/50/2014 pending before the District Consumer Dispute Redressal Forum Nagpur shall be transferred to this Court for being considered with Company Petition No. 3 of 2010. Applications are allowed in aforesaid terms.

JUDGE

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