

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN ITS INSOLVENCY JURISDICTION
NOTICE OF MOTION NO. 15 OF 2016
IN
INSOLVENCY PETITION NO. 11 OF 2012**

Re: N. J. Choudhary, i.e., Narayanlal Jodhaji
Choudhary

...Insolvent

Ex-parte:
M/s. Ravi Steel Industries

...Petitioning
Creditor

Mr. Manoj Angre, i/b girish B. Kedia, for the Petitioning Creditor.
Mr. Anil P. Bagwe, for the Insolvent.
Mr. M. D. Narvekar, Official Assignee, present.

CORAM: G.S. PATEL, J
DATED: 15th March 2016

PC:-

1. This is a Motion by the Insolvent seeking that the warrant of committal for contempt issued on 24th July 2015 be recalled, cancelled and set aside and that the Insolvent be released on the terms that this Court finds appropriate. I have seen the Affidavit in Support of this Notice of Motion. There is no doubt that the Insolvent was extremely obstructive and non-cooperative and it was because of this that the Warrant of Committal for Contempt was

issued. The Insolvent was arrested on 13th January 2016 and placed in the custody of the Byculla Civil Prison, Mumbai. He has been there since.

2. Mr. Bagwe for the Insolvent says that the Insolvent will subject himself to such conditions as this Court may think fit. It is made clear that it is a condition for the grant of this Motion that the Insolvent will, without fail, make himself available as and when required by the Official Assignee. It is understood that the Official Assignee will give the Insolvent reasonable notice, but having said that, this does not mean that the Insolvent can either remain absent or be non-cooperative. Mr. Bagwe, therefore, in addition ensures the Court of the Insolvent's co-operation from this point onwards.

3. This statement is to be found in paragraphs 6, 7 and 8 of the Affidavit in Support. I accept the undertakings given in paragraphs 6 and 8 in particular. Subject to those, the Notice of Motion is made absolute in terms of prayer clause (a).

4. All concerned to act on an authenticated copy of this order.

5. It is also made clear to the Insolvent that should there be even one more reported failure or default on his part, he will be committed for contempt, and this time an application for release will not be readily entertained.

(G. S. PATEL, J.)