

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

**COMPANY APPLICATION (L) NO. 447 OF 2016
IN
COMPANY APPLICATION NO. 429 OF 2013
IN
COMPANY PETITION NO. 353 OF 2003**

Solid Carbide Tools Ltd. .. Applicant
Vs.
The Official Liquidator High Court, Bombay & Anr. .. Respondents

Mr. Ajit Singh Tawar for the Applicant.
Mr. D.P. Singh i/b G.R. Sharma for Enforcement Directorate.
Ms. Yogini Chauhan – Deputy Official Liquidator present in Court.
Mr. Sharan Jagtiani- Amicus Curiae present.
Mr. Sham Ghandi Creditor of M/s. Solid Carbide Tools Ltd. - Noticee in OLR in person.

**CORAM : K.R. SHRIRAM, J.
DATED : 7TH OCTOBER, 2016.**

P.C.

1 Heard the counsel for the applicant as well as the Enforcement Directorate. The Official liquidator is also represented today. Also heard Shri Jagtiani, who was appointed as Amicus Curiae in Company Application No.429 of 2013 and with whose assistance the Company Application was decided.

2 Considering the application, the relief sought and the affidavit in support, it is evident that on 20.01.2016 the Company was not in

liquidation. Neither the applicant nor the official liquidator brought it to the notice of this Court. Be that as it may, having considered the application and affidavit in support and heard the counsel, in my view this application can be disposed by tweaking paragraph 13 of the order dated 20.01.2016.

Paragraph 13 of the order dated 20.01.2016 reads as under :-

“The applicant, therefore, is directed to issue fresh show cause notice to the Official Liquidator. The liquidator is authorized to defend the same. It is clarified that the show cause notice should be restricted to the official liquidator only to defend the company. The show cause notice to be issued within three weeks from today and within four weeks thereafter, the official liquidator to reply to the show cause notice. While issuing the show cause notice, the adjudicating authority will also provide copies of all the documents relied upon in the show cause notice. Within two weeks of receiving the reply, the adjudicating authority will give a personal hearing to the official liquidator and pass an order within two weeks thereafter.”

3 In view of the application made and in view of the fact that the Company was already out of liquidation when the order dated 20.01.2016 was passed, the Directorate of Enforcement who was the applicant in Company application No.429 of 2013 shall issue fresh show cause notice as mentioned in paragraph 13 “to the Company” instead of “to the Official

Liquidator” and wherever the word “liquidator” or “official liquidator” is used, it should be read as “Company”. Rest of the order remains unaltered.

4 Application stands disposed.

5 It is also clarified that since the Company is out of liquidation, the question of official liquidator declaring any dividend as mentioned in paragraph 14 of the order dated 20.01.2016 does not arise.

6 In view of the above, OLR No.154 of 2016 is also disposed.

(K.R. SHRIRAM, J.)