

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

**COMPANY APPLICATION NO.490 OF 2012
WITH
CONTEMPT PETITION NO.1 OF 2013
WITH
COMPANY APPLICATION NO.224 OF 2012
WITH
COMPANY APPLICATION NO.574 OF 2015
WITH
COMPANY APPLICATION NO.575 OF 2015
WITH
COMPANY APPLICATION NO.1084 OF 2015
WITH
COMPANY APPLICATION NO.1085 OF 2015
WITH
COMPANY APPLICATION NO.26 OF 2016
IN
COMPANY PETITION NO.1015 OF 2008**

Smt. Prabha P. Shenai
(Through C.A. Shri Prakash R. Shenai)Applicant/Petitioner
Vs.

The Official Liquidator of M/s. Crown
Maritime Company (I) Ltd. & Ors.Respondents

**WITH
COMPLAINT NO.1 OF 2013
IN
COMPANY PETITION NO.1015 OF 2008**

The Official Liquidator of M/s. Crown
Maritime Company (I) Ltd. & Ors.Petitioner
Vs.

Shri Sukumaran Sujathan & Ors.Respondents

Mr. Prakash R. Shenai, C.A. Of Applicant in person.

Mr. S.A. Bhagwat for the Official Liquidator.

Mr. Sameer Salvi, Senior Assistant present.

Mr. Nikhil Rajani i/b. V. Deshpande & Co. for the respondent no.2 in
CP/1015/2008 and for respondent no.4 in CNPCP/1/2013.

CORAM : K.R.SHRIRAM,J

DATE : 10th FEBRUARY, 2016

P.C.:-

COMPANY APPLICATION NO.490 OF 2012

1 As regards prayer clauses – (a) and (b), pursuant to the order dated 16th April, 2014, Dena Bank has filed an affidavit of one M.G. Prasad, Chief Manager of Dena Bank, IFB Branch undertaking to bring back the entire amount of Rs.1,83,60,000/- together with interest accrued thereon as and when directed by this court.

In view of this undertaking, the question of granting prayer clauses – (a) and (b) does not arise.

2 As regards prayer clause - (c), the Division Bench of this court by an order dated 14th October, 2014 has observed that it will be open to the applicant to contend before the Official Liquidator that she ought to be considered a secured creditor in respect of the amount mentioned in the said prayer clause. Mr. Shenai states that his application is still pending adjudication before the Official Liquidator though it was filed some time in January, 2015. Mr. Bhagwat, counsel, on instructions states that this application will be considered and disposed in accordance with law within three weeks from today. Mr. Bhagwat also states that the applicant will be heard before the application is decided by the Official

Liquidator and they would give sufficient advance notice about the date and time of the personal hearing.

Therefore, prayer clause - (c) is premature.

3 As regards prayer clause – (d), Mr. Shenai states that it has already been rejected.

4 As regards prayer clause – (e), Mr. Shenai states that there are no averments in support of the said prayer in the affidavit in support.

5 As regards prayer clause – (f), it is in two parts. One is regarding report of the assets taken over by the Official Liquidator and the other is regarding claim by the ex-employee – Mr. Bobby Samuel. As regards the first part, the Official Liquidator is directed to prepare a detailed report regarding the assets taken over by the Official Liquidator including moneys deposited in this court by various parties in relation to or with regard to or in connection with the company (in Liquidation). A copy of the report to be made available to the applicant. As regards the second part, Mr. Shenai states that on the date of the application there was only one person - Mr. Bobby Samuel but subsequently there are many others who have filed claims for salaries/wages and according to Mr. Shenai none of them were employees and their claims cannot be paid

in priority over the applicant's claim. Mr. Bhagwat, on instructions from Mr. Salvi, who is present in court states that no amount of the company has been disbursed to any party.

6 The Official Liquidator to provide a copy of the adjudication of claims of all the “so called employees” to Mr. Shenai within three weeks from today. Should the applicant herein wishes to challenge the adjudication, they may do so by filing an appropriate application.

7 In view of the above, the company application stands disposed.

CONTEMPT PETITION NO. 1 OF 2013

1 The respondent no.4 is represented. As regards the other respondents, Mr. Shenai states that respondent nos.2 and 3 were represented by an advocate who used to represent respondent no.4 also but today respondent no.4 is represented by V. Deshpande and Company. Nobody is appearing for the respondent nos.2 and 3.

2 Respondent nos.2 and 3 and respondent nos.5,6,7,8 and 9 are directed to remain present in court on the next date, i.e., 10th March, 2016.

3 The petitioner is directed to forward a copy of this order to these respondents.

4 Stand over to 9th March, 2016.

(K.R.SHRIRAM,J)