

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

**NOTICE OF MOTION NO. 1735 OF 2015
IN
SUIT NO. 4571 OF 1995**

Official Liquidator of Hindustan
Transmission Products Ltd.

.. Applicant

In the matter between :

Hindustan Transmission Products Ltd.
(In Liquidation)

.. Plaintiff

Vs.

Sterlite Industries (India) Ltd. & Anr.

.. Defendants

Mr.Vedchetan Patil for plaintiff (In Liquidation).

Mr.Kunal Parekh i/b Thakore Jariwala and Associates for defendant no.1.

Mr.Rakesh L. Singh i/b M/s. M.V. Kini & Co. for defendant no.2.

**CORAM : K.R.SHRIRAM, J.
DATE : 15TH OCTOBER, 2016**

P.C.

1 The counsels for defendant no.1 and defendant no.2 state that they have been served with the copy of the notice of motion only yesterday and they have not been able to obtain instructions.

2 In normal circumstances, I would have granted time but here is a case where the Official Liquidator has taken out this notice of motion to recall the order dated 13th March 2015 dismissing the suit.

3 By an order, dated 27th March 2008, the three petitions against the plaintiff (in liquidation) came to be allowed and the Official Liquidator was directed to take over the assets and and property of the company forthwith and discharge all duties in terms of provisions of the Companies Act. In the order of 13th March 2015, it is stated that the plaintiff's advocate has not been receiving communication from the plaintiff.

4 In paragraph 4 of affidavit in support, it is stated that the Ex-Directors of the Company have not filed the statement of affairs and details of the pendency of the suit is not available with the office of the Official Liquidator. In view thereof and in view of what is stated in the other paragraphs of the affidavit in support, I am inclined to recall the order dated 13th March 2015 and restore the suit to file.

5 The counsels appearing for defendant no.1 and defendant no. 2 state that they will inform the Advocate for the Official Liquidator the current address of their respective clients within one week from today.

6 The notice of motion is allowed in terms of prayer clauses (a), (b), (c) and (d) and accordingly disposed of.

(K.R. SHRIRAM, J.)