

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL JURISDICTION

**COMPANY APPLICATION IN APPEAL NO.57 OF 2013
IN
COMPANY APPEAL (L) NO.38 OF 2010**

D.R. Sharma ... Applicant

In the matter between :

D.R. Sharma ... Petitioner

Versus

Reliance Industries Limited ... Respondent

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Mr. Nilesh Makwana i/b Mr. Sunil Rawal for the Applicant.

None for the Respondent.

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CORAM : A.K. MENON, J.

DATE : 19 OCTOBER, 2016

P.C. :

. This Company Application is still not served upon the Respondents. Although there are four Respondents, Respondent Nos.2, 3 and 4 are described only as “Respondent No.2”.

2 Learned Counsel for the Applicant submits that the application was sought to be served only upon Mr. M.L. Bhagti. As far as other two persons appearing in the title are concerned, no attempt has been made to serve them.

3 The application seeks restoration of a Company Appeal, which came
to be rejected under Rule 986 of the High Court (Original Side) Rules on

16 November 2010. The application is taken out on 31 October 2012. The Applicant also seeks condonation of delay of 684 days. Perusal of the affidavit in support dated 01 October 2012 does not reveal any convincing explanation for the delay in moving this Court. In paragraph-6 of the application, the deponent states as follows :-

“6. After filing the above Appeal, the Applicant made an Application for condonation of delay and this Hon'ble Court was pleased to condone the delay. Thereafter, upto March 2011, we solved the office objection raised by the office of the Company Registrar of this Hon'ble Court and was under impression that now the Appeal will be placed on board for admission and asked my clerk to follow up in the department of Company Registrar.”

4 In the last sentence of paragraph-7 of the affidavit in support, the deponent has contended that “order dated 16 November 2010 is wrong and erroneous”. The said order is passed for want of compliance of the office objections. There is no explanation offered in the affidavit in support of the Application as to why the order is wrong.

5 In the circumstances, no ground is made out for allowing this application and I pass the following order.

(i) Company Application is dismissed.

(A.K. MENON, J.)