

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

**COMPANY APPLICATION (L) NO. 760 OF 2016
IN
COMPANY PETITION NO. 324 OF 2016**

Sugoi Asia Ltd.

...Petitioner

vs.

Bhadresh Trading Corporation Ltd.

....Respondent / Respondent

Mr.Rahul Narichania, Senior Advocate with MR.Nihal Sheikh I/b. Mustafa Motiwala for Petitioner.

Mr.Harish Pandya I/b. Rajendra Kookada I/b. Kookada & Associates for Respondent / Applicant in CAL 760/2016.

CORAM : S.C. GUPTE, J.

6 DECEMBER 2016

P.C. :

Heard learned Counsel for the parties.

2 This application seeks inspection of documents referred to and relied on by the Petitioner in the company petition. When queried about the identity of the documents of which inspection was sought by the Applicant, since there is no schedule to the application or the affidavit in support thereof, learned Counsel for the Applicant refers to the letter dated 10 August 2016 addressed by the Advocates of the Applicant to the Advocate of the Petitioner and also another letter dated 24 August 2016 following the first letter. By these letters, the Applicant purports to record the inspection of documents which was given by the Petitioner. Insofar as the bills of exchange are concerned (which form part of the documents on which the Petitioner's debt in the present petition is based), the Applicant in its letters records that the originals of these bills of exchange were stated to be under

the custody of State Bank of India, Rajkot Branch and that hence, inspection of the originals was not given. The letters list out a number of documents of which inspection was not given. If one has regard to these documents, it is clear that none of these documents is referred or relied upon by the Petitioner in its petition. Secondly, the request for making available these documents is in the nature of a fishing inquiry which the Applicant is not permitted to engage in. Based on whatever documents the Petitioner has given inspection of to the Applicant, the Applicant may well be in a position to file its reply to the company petition. As for the other documents of which inspection was purportedly not given by the Petitioner, the Petitioner shall take consequences of non-disclosure. That is the matter for the court to decide at the hearing of the petition. There is accordingly no merit in the company application and the same is dismissed.

3 Learned Counsel for the Applicant refers to his objections concerning the validity of the documents relied upon by the Petitioner and requests for recording those objections in this order. An application such as this is not a place where such request can be entertained. The request is rejected.

4 The Respondent is directed to file its reply to the petition and serve a copy of the same on the Petitioner latest by 16 December 2016. The petition to come up for admission on 20 December 2016.

(S.C. Gupte, J.)