

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.100 OF 2017
IN
COMPANY PETITION NO.796 OF 2015**

Akai Steels Pvt. Ltd.

....Applicant/Petitioner

Vs.

Shree Ram Urban Infrastructures Ltd.

....Respondent

Ms. Sarojini Patel i/b. Adv. S.P. Pandey for applicant/petitioner.

Mr. Vishwabhashan Kamble i/b. Jayakar and Partners for respondent.

Mr. Mahendhar Aithe, Company Prosecutor for Official Liquidator present.

CORAM : K.R.SHRIRAM, J.

DATE : 20th NOVEMBER, 2017

PC.:

1 This application is to permit applicant to withdraw Rs.33,99,657/- deposited by respondent in this petition in compliance with the order dated 10th October, 2016. The amount has been deposited with Prothonotary and Senior Master of this Court. Petitioner has also filed a summary suit being summary suit no.723 of 2015 in this Court which due to increase in the pecuniary jurisdiction of the City Civil Court, got transferred to City Civil Court. Applicant as plaintiffs in summary suit had also taken out summons for judgment and while disposing summons for judgment, the Court has granted leave to respondent to defend in view of the amount being deposited in this Court. The summary suit is still pending.

2 At the same time, it should be noted that certain other creditors have also filed petition for winding up against respondent company and pursuant to different orders, Official Liquidator has been appointed as Provisional Liquidator. It is a different aspect that Provisional Liquidator is yet to take charge of the assets and affairs of the company.

3 In view of what is stated above, in my view, the prayer as sought in this application cannot be granted.

4 Application accordingly stands dismissed.

(K.R. SHRIRAM, J.)