

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

**COMPANY APPLICATION NO. 364 OF 2016  
IN  
COMPANY PETITION NO. 228 OF 1990**

Amey Marketing Syndicate  
Pune 411016

.. Applicant

***In the matter between :***

Amey Marketing Syndicate  
Pune 411016

.. Petitioner

Vs.

The Official Liquidator appointed  
as a Liquidator for Shuruguwa  
Industries Pvt. Ltd.  
(In Liquidation)

.. Respondent

Mr.Piyush N. Shah for applicant.

Mr. Mahindhar Aithe, company prosecutor for official liquidator.

**CORAM : K.R.SHRIRAM, J.  
DATE : 19<sup>TH</sup> DECEMBER 2017**

**P.C.**

1 This application is to direct the official liquidator to pay the excess allocable interest to the applicant/original petitioner. It is brought to the notice by the company prosecutor Shri Aithe that an identical application was taken out by the applicant being company application No.89 of 2014 which came to be dismissed by an order dated 3<sup>th</sup> November 2014. It will be useful to reproduce the said order which read as under :-

*“1. The above Company Application is taken out for the following relief :*

*“(a) that the Official Liquidator be directed to pay the excess allocable interest as and by way of 4% paise in a Rupee to the Applicant/Org.Petitioner” ;*

*2. The Official Liquidator has informed the Court that the entire amount payable to the Applicant along with 4% interest is paid to the Applicant and the Applicant is not entitled to any further amount. The Applicant is entitled to only 4% interest on its dues subsequent to the date of the winding up order under Rule 179 of the Companies (Court) Rules, 1959. In the event of any surplus left with the Official Liquidator, the same is required to be paid to the contributories as dividend and return of capital to contributories under Rules 275 to 280 of the Companies (Court) Rules, 1959.*

*3. The Company Application is therefore, disposed of as dismissed.”*

2 Applicant has conveniently chosen not to disclose the fact that an identical application was taken out by applicant and that application came to be dismissed.

3 In the circumstances, this application does not survive and stands dismissed.

4 Applicant to pay a sum of Rs. 10,000/- as donation to National Defence Fund (NDF), State Bank of India, Institutional Division, Parliament Street, New Delhi, Account No.11084239799- [www.pmindia.nic.in](http://www.pmindia.nic.in), within two weeks from today.

5 I have passed this order directing the applicant to pay donation because it was absolutely dishonest on the part of applicant to suppress the fact that he had taken out an identical application and that application has been dismissed.

**(K.R. SHRIRAM, J.)**