

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

**COMPANY APPLICATION NO. 529 OF 2016
IN
COMPANY PETITION NO. 830 OF 2014**

Call 2 Connect India Private Limited .. Applicant

In the matter between :

M/s.Megasoft Limited .. Petitioner

Vs.

The Official Liquidator of
M/s. Loop Mobile (India)
(in liqn.) & Anr.

.. Respondents

Ms. Roshani Naik i/b Maharashtra Legal Associates for applicant.

Mr. Prakash Shinde i/b MDP and Partners for respondent no.2.

Ms. Snehal Dukhale i/b Mehul Shah for Loop Mobiles.

Mr. Mahindhar Aithe, company prosecutor for official liquidator.

**CORAM : K.R.SHRIRAM, J.
DATE : 19TH DECEMBER 2017**

P.C.

1 At the outset, Mr. Shinde for respondent no.2 stated that he does not wish to file any reply and he will argue on the basis of denial.

2 This application is taken out for a direction to the official liquidator to release possession of the movable properties more particularly described in Schedule I to the application and applicant may be granted liberty to

sell/dispose of the said property.

3 The basis of this application is that applicant and the company (in liquidation) had entered into an unregistered agreement whereby applicant had agreed to provide expertise for BPO service to company (in liquidation) as set out in the agreement. It is the case of applicant that as per the agreement, applicant was required to render its services from the premises of the company (in liquidation) and in furtherance thereto applicant had installed the equipments, list whereof can be found at Exh.'J' to the affidavit in support. It should be noted that though the prayer clause refers to Schedule I, there is no schedule annexed to application. Ms.Naik for applicant states that Exh.'J' would have been Schedule I if it were annexed to the application.

4 I have considered the application and the documents annexed thereto. I could not locate any document in which the company (in liquidation) and applicant have agreed that the equipments mentioned in Exh.'J' have been brought into the premises of the company by applicant and those belonged to applicant.

4 The official liquidator has also filed an affidavit in reply opposing the

application in which it is stated that they have also not received any documents from applicant to support their stand and in fact, a valuation report has already been received for disposing of those assets/movables.

5 In the circumstances, company application dismissed.

Notwithstanding disposal of the company application, since those movables are yet to be disposed, applicant may provide documentary evidence to prove that these movables actually belonged to them and they have been supplied and installed in the premises of the company (in liquidation) and a confirmation from the company (in liquidation) at the material time that these movables have been in fact brought in to the premises of the company (in liquidation). This proof has to be supplied with an affidavit of a person not below the rank of Director of Company and original documents also have to be submitted within two weeks from today.

After two weeks the official liquidator may dispose of the movables/assets.

(K.R. SHRIRAM, J.)