

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

**APPEAL NO.168 OF 2017
IN
OFFICIAL LIQUIDATOR REPORT NO.224 OF 2013
WITH
NOTICE OF MOTION NO.831 OF 2017
IN
APPEAL NO.168 OF 2017**

Shailesh Bhansali
being the Ex-Director of
Madras Petrochem Ltd. (In Liq)

.... Appellant
(Ex-Director)

versus

The Official Liquidator of High Court
of Bombay & Anr.

... Respondents

.....

- Mr.Prakash Shinde i/b. MDP & Partners, Advocate for the Appellant.
- Mr.L.T. Satelkar, Advocate for Respondent No.1.
- Ms.Vidula Mehratra a/w Ms. Neha Bhosale i/b. NDB Law for Respondent No.2.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 30th OCTOBER, 2017.**

P.C. :

1. The above appeal is directed against the order dated

13/01/2017 as also the order dated 01/02/2017 passed by the learned Single Judge of this Court. By the first order, the learned Single Judge has made the Official Liquidator's report absolute in terms of prayer clauses (a) and (b). By the said report the Official Liquidator had sought an order and direction against the Ex-Director of the Company Liquidator i.e. the Appellant herein to refund the amount, which was recovered by him from the licensee by giving the premises described in prayer clause (a) after winding up of the Respondent/Company.

2. Though, the report was served at an anterior point of time, in the year 2013, no affidavit-in-reply was filed on behalf of the Appellant herein i.e. Ex-Director. It is in the said circumstances that the learned Single Judge deemed it appropriate to make the Official Liquidator's report absolute in terms of prayer clauses (a) and (b). The Appellant thereafter filed a praecipe seeking recall of the order dated 13/01/2017 on the ground that the affidavit-in-reply in fact was filed by the Appellant herein i.e. the Ex-Director. The learned Single Judge

has rejected the said application on the ground that the record did not disclose that any such affidavit was served by the Ex-Director on the concerned Respondents at any time prior to 13/01/2017.

3. Having regard to the foundation on which the impugned orders are based, we do not deem it appropriate to interfere with the same. The Appeal is accordingly dismissed.
4. In view of the dismissal of the Appeal the Notice of Motion No.831/17 does not survive and to accordingly stand disposed of as such.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)