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

**COMPANY APPLICATION (L) NO. 105 OF 2017  
IN  
COMPANY PETITION NO.808 OF 2014**

M/s Sanmati Pressing Pvt. Ltd.

..Applicant

In the matter of  
Shree Giriraj Metalplex Pvt.Ltd.

Vs

M/s Sanmati Pressing Pvt. Ltd.

And

Official Liquidator.

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Mr. Bhushan Walimbe for applicant.

Mr. Anil Agarwal for Petitioner.

Mr. Mahendar Aithe, Company Prosecutor present.

Ms. Arti Yada i/b Law Chambers of Siddharth Murarka for applicant in  
CAL 761 of 2016.

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**CORAM: A.S. GADKARI, J.**

**DATE: 01 JULY 2017.**

**P.C.:**

1] This is an application for modification of Order dated 24.2.2017 passed in Official Liquidator Report No.20 of 2017.

2] By the said Order dated 24.2.2017, the Official Liquidator was directed to take forcible possession of the factory premises of the applicant-Company with the aid of police. By an Order dated 24.7.2015 passed by the Division Bench of this Court in Appeal No.267 of 2015 while allowing

the appeal has set aside the Order dated 17.2.2015 passed by the learned Single Judge for winding up of the applicant-Company in the premise that the applicant will issue nine cheques to the respondent and upon honouring it the company petition was directed to be stand dismissed.

3] It is submitted that there was delay in issuing and/or honouring the said cheques and therefore the contempt petition No.64 of 2016 was filed by the respondent-Shree Giriraj Metalplex Pvt.Ltd. It is submitted before the Division Bench that the amount involved in the company petition was paid, though with some delay and in view thereof the said contempt petition came to be dismissed by an Order dated 6.4.2017. By the said Order dated 6.4.2017, the delay in making payment by the applicant was also condoned. As the applicant has made the necessary and requisite payment to the respondent, in my view, the Order dated 24.2.2017 thereby directing the Official Liquidator to take forcible possession of the suit premises needs to be modified.

4] In view thereof, the Clause (b) in para-8 of the Order dated 24.2.2017 is modified and the Official Liquidator is directed to take symbolic possession of the suit property.

5] The application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**