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

COMPANY APPLICATION (LODGING) NO.108 OF 2017
IN
COMPANY PETITION NO.208 OF 2014

Masscorp Ltd.	...Applicant
V/s.	
Official Liquidator & Ors.	...Respondents

Mr.Vishal Kanade, Mr.Ashish Agarkar and Ms.Alisha Pinto i/b
Mr.Nilesh Tribhuvann for the Applicant.

Mr.Chirag Mody with Mr.Rishab Jagani i/b DSK Legal for the Original
Petitioner / Respondent No.3.

Ms.Yogini D. Chauhan, Deputy Official Liquidator present.

CORAM : R.D. DHANUKA, J.
DATE : 8TH MARCH, 2017.

P.C. :-

1. Mr.Kanade, learned counsel appearing for the applicant invited my attention to the order dated 23rd January, 2017 passed by this Court in Company Petition No.208 of 2014 thereby admitting the company petition and granting interim relief in terms of prayer clause (c) and (d) of the company petition. He submits that pursuant to the letter dated 28th February, 2017, addressed by the Official Liquidator to the respondent no.2 i.e. MSEB, the MSEB has disconnected the electricity supply in the registered office of the applicant. He submits that the company petition is still pending. My attention is also invited

to the letter dated 28th February, 2017 which indicates that the Official Liquidator informed the MSEB that the applicant is ordered to be wound up.

2. Learned Deputy Official Liquidator states that the Official Liquidator will withdraw the said letter dated 28th February, 2017 addressed to the MSEB forthwith and will instruct not to take any action pursuant to the said letter. The statement is accepted.

3. In my view, the Official Liquidator could not have addressed such letter to the MSEB for disconnection in view of the fact that the company petition is still pending and the applicant company is not wound up.

4. I therefore, pass the following order :-

a). The company application is made absolute in terms of prayer clauses (a) and (b). Official Liquidator shall withdraw the letter dated 28th February, 2017 addressed to MSEB forthwith.

b). It is made clear that the Official Liquidator will take only symbolic possession and not physical possession.

c). The company application is disposed of in aforesaid terms.
No order as to costs.

5. The Official Liquidator as well as the respondent no.2 to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)