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

**COMPANY APPLICATION NO NO. 812 OF 2015
IN
COMPANY PETITION NO. 766 OF 1990**

Industrial Security And Fire Services
Bombay Pvt. Ltd.

..Applicant.

In the matter between

Engineering Mazdoor Sabha
Vs.

..Petitioner

The Official Liquidator of M/s G.G.T. Kaypee Ltd.
(In Liquidation)

..Respondent.

**WITH
COMPANY APPLICATION NO NO. 198 OF 2016
IN
COMPANY PETITION NO. 766 OF 1990**

Mahalaxmi Kahaan

..Applicant.

In the matter between

Industrial Security & Fire Services Bombay Pvt.Ltd

.Applicant in
C.A. No.812/2015.

Engineering Mazdoor Sabha.
Vs.

The Official Liquidator of M/s G.G.T. Kaypee Ltd.
(In Liquidation)

..Respondent.

Mr. C.N. Mehta i/b MMK Associates for Applicant in CA N0.812/2015.
Mr. Nitesh Bhutekar for applicant in CA No.198 of 2016.
Mr. Mahendar Aithe, Company Prosecutor.

CORAM: A.S. GADKARI, J.
DATE: 16 JUNE 2017.

P.C.:

1] Heard the learned Counsel for the respective parties and the Company Prosecutor.

2] The Company Application No.198 of 2016 has been filed by the Director of the Industrial Security & Fire Services Bombay Pvt.Ltd (Applicant in CA No.812 of 2015) in her personal capacity for impleadment as a necessary party in Company Application No.812 of 2015. The applicant in CA No.198 of 2016 is having dispute with respect to the proportionment of the profits of the applicant-Company. The applicant has also raised grievance that the applicant-Company does not have Board Resolution duly authorizing the applicant-Company to file present application.

The Company Application No.812 of 2015 is filed for direction to the Official Liquidator to release the payment in favour of the applicant-Company towards the security charges for the period from January 2004 to August 2012.

3] The Official Liquidator has filed an affidavit-in-reply dated 1.3.2017 and in para-13 of the said reply the Official Liquidator has admitted that the applicant is entitled for outstanding dues mentioned

therein subject to verification of bills/original attendance register, proof of payments made to the security guards by the Security Agency, details of the security guards employed etc.

The learned Counsel for the applicant in C.A. No.812 of 2015 submitted that the applicant will co-operate with the Official Liquidator in the said process.

4] In view thereof, the Company Application No.812 of 2015 is allowed in terms of prayer clause (a) subject to verification of bills/original attendance register, proof of payments made to the security guards by the Security Agency, details of the security guards employed etc.

5] It appears that there are disputes inter se between the Directors of the Company. The amount due and payable by the Official Liquidator to the Company is towards the service provided by the Company and if the applicant in CA No.198 of 2016 is having any grievance and/or dispute with the other Directors of the Company, the said applicant is at liberty to adopt appropriate legal remedies independently, if so advised. The Company Application No.198 of 2016 is accordingly disposed off with the aforesaid liberty.

(A.S. GADKARI, J.)