

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

**COMPANY APPLICATION NO.564 OF 2015
IN
COMPANY PETITION NO.28 OF 2012**

M/s.Shapoorji Pallonji & Co. Ltd. .. Applicant

In the matter between

The Bank of New York Mellon,
London Branch .. Petitioner

Vs.

Zenith Infotech Limited .. Respondent

Mr.Bharat Purekar for the applicant.

Ms.Priyanka Shetty a/w Ms.Sukanya Bhaunik i/by M/s.AZB & Partners
for the petitioner.

Mr.Mohendhar Aithe, Company Prosecutor for the official liquidator.

CORAM : R.D. DHANUKA, J.

DATE : 11th January 2017

P.C. :

. By this company application, the applicant seeks leave under Section 446 of the Companies Act, 1956 to implead the official liquidator as a party-defendant in the Civil Suit No.3182 of 2009 filed before the City Civil Court.

2. The learned Company Prosecutor submits that since the company is already wound up, the applicant may be directed to file their claim before the official liquidator. Learned counsel appearing for the applicant has no objection to file claim before the official liquidator and did not seek to pursue this application. Statement is accepted.

3. It is made clear that the applicant is permitted to file their claim before the official liquidator. However, if any such claim is made by the applicant, the same shall be adjudicated upon by the official liquidator. Such claim shall be filed within four weeks from today. Delay in filing the claim is condoned.

4. Company application is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.