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

COMPANY APPLICATION (L) NO.164 OF 2017
IN
COMPANY PETITION NO.200 OF 2014

Shree Marathwada Papers Mills Pvt. Ltd. .. Applicant

In the matter between
SICOM Limited .. Petitioner
Vs.
The Official Liquidator
Shree Marathwada Papers Mills Pvt. Ltd. (in liqn.).. Respondent

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Mr.Sunil Kadam and Mr.Nilesh Mahale for SICOM.
Mr.Abhijit J.Khandarkar for the applicant.
Mr.Mohindher Aithe, Company Prosecutor for the Official Liquidator present.

CORAM : R.D. DHANUKA, J.
DATE : 2nd May 2017

P.C. :

. By this application, the Ex-directors of the company in liquidation seek an order and direction against the official liquidator not to proceed with the auction of the machinery lying in the applicant-factory till the decision of the arbitration proceedings.

2. Learned counsel appearing for the applicant states that the arbitration proceedings between the SICOM and the company in liquidation are going on before the learned arbitrator and hearing is expedited. He submits that if this Court allows sale of the property in question, the property which is a piece of evidence before the learned arbitrator would be destroyed.

4. It is not in dispute that this Court has already granted permission to the official liquidator to sell the property in question by an order dated 6th January 2017 in Official Liquidator's Report No.369 of 2016 dated 30th September 2016. Pursuant to the said order passed by this Court, the official liquidator has invited offers from the intending purchasers by issuing advertisement in the newspapers as far back as on 9th February 2017 and has already received two bids pursuant thereto. The said order dated 6th January 2017 passed by this Court is not challenged.

5. In my view, merely because the arbitration proceedings are pending between the petitioner and the company in liquidation, in view of there being no stay against the sale of property and in view of the order dated 6th January 2017 passed by this Court to sell the property, this Court cannot grant any relief not to sell the property in this company application at this stage. Application for stay of sale of the property is accordingly misconceived and is dismissed. No order as to costs.

R.D. DHANUKA, J.