

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.569 OF 2016
IN
COMPANY APPLICATION NO. 274 OF 2013
IN
COMPANY PETITION NO.613 OF 1984

Dynacraft Machine Co. Ltd.Applicant.
vs.
In the matter between
Jessica Lukmani Org. Applicant.
And
M/s. Kay Kay Trading Company. ... Petitioner.
vs.
Official Liquidator, High Court,
Bombay and ors.Respondents.

Mr. Prateek Seksaria with Mr. Vighesh Kaira, Ms. Jayshree R.
and Mr. S.Chakrabarti i/by Vidhi Partners.
Ms. Yogini Chauhan, Dy. Official Liquidator present.

CORAM :A.S.GADKARI, J.
DATE : 9th June, 2017

P.C.

1. This is an application for extension of period of
24 months for setting up the unit of the factory at Igatpuri
District Nashik.

2. The applicant is a share holder and investor of
Dynacraft Machine Company Ltd. ("Company") which was
ordered to be wound up by an order dated 11.3.1993. In

an application filed by the applicant in Company Petition NO.100 of 2010 for recalling and/or revoking the order of winding up of the company, this Court by its order dated 3.5.2012 allowed the application and directed to settle the claims of the creditors and to take over the company. By further order dated 20.8.2015 passed in Company Application No.274 of 2013 this Court granted 24 months extension to set up the factory at new place i.e. Igatpuri District Nashik. The applicant in his affidavit in support of the present application has in detailed stated the facts causing delay in setting up the factory/Service yard/Equipment yard at Igatpuri, District Nashik. The applicant has also stated that he had paid /deposited the necessary amount with the office of the Official Liquidator and is in the process of setting up the said factory/Service yard/Equipment yard at Igarpuri, District Nashik. The facts mentioned in the said affidavit in support of the application are not controverted by the office of the Official Liquidator. The record reveals that the steps taken by the applicant in establishing and setting up the factory/Service

yard/Equipment yard at Igatpuri District Nashik are bonafide and I am of the view that in in the interest of justice the application deserves to be allowed in terms of prayer clause (b) and (c)

3. Application is allowed in terms of prayer clause (b) and (c).

(A.S.GADKARI, J.)