

Amk

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

**COMPANY APPLICATION (L) NO. 246 OF 2017
IN
COMPANY PETITION NO. 704 OF 2015**

Morgardshammar AB	.. Petitioner
Vs.	
Mittal Corp Ltd.	.. Respondent
And	
Oriental Bank of Commerce	.. Applicant

Mr. Shyam Kapadia a/w. Mr. Darshan Mehta, Niket Jani, Ms. Pooja Kane i/b Dhruve Liladhar & Co. for the Petitioner.

Mr. Virag Tulzapurkar, Sr. Advocate a/w. Mr. Pradeep Bakhru i/b Wadia Gandhi & Co. for the Respondent.

Mr. Sharan Jagtiani a/w. Mr. Anup Khaitan i/b Anup Khaitan & Co. for the Applicant.

CORAM : A. S. GADKARI, J.
DATE : 13th JULY, 2017.

P. C. :

1. This is an application for intervention by the secured creditor and the leader of consortium of 14 banks.

It is the settled position of law that a secured creditor has *locus standi* to be heard at the time of admission of the winding up petition. A safe reliance can be placed on the decision of this Court in the case of **Bharat Petroleum Corporation Ltd. Vs. National Organic Chemical Industries Ltd. [2004(2) Mh.L.J. 114]** for the same.

In view of the ratio laid down by this Court in the aforesaid decision, the petitioner has *locus standi*.

2. In view thereof, the application for intervention is allowed.
3. The petitioner is directed to implead the applicant as necessary party-respondent in the petition. Amendment to be carried out within a period of two weeks from today and an amended copy of the petition be served upon all the respondents within the same stipulated period.
4. The Company Application is, accordingly, disposed off.

[A. S. GADKARI, J.]