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

COMPANY APPLICATION NO.410 OF 2016
IN
COMPANY PETITION NO.663 OF 2014
ALONG WITH CONNECTED MATTER

Seaco Global Ltd. ...Applicant

IN THE MATTER BETWEEN :

Seaco Global Ltd. ...Petitioner

V/s.
M/s.Fourcee Infrastructure Equipments
Private Limited (In Liquidation) & Ors. ...Respondents
And

The Official Liquidator,
High Court, Bombay & Ors. ...Respondent

Mr.Rahul Narichania,Senior Counsel i/b Mr.Francisca Philps for the
Applicant in C.A. No.410 of 2016.

Ms.Poonam U. i/b Globaw Law Offices for the Respondent Nos.2 to 5
(Ex-Directors).

Mr.Rohan Rajadhyaksha with Mr.Malhar Zatakia i/b AZB & Partners
for the Appellants in COAPP Nos.66 of 2014 and 20 of 2015.

Mr.O.A. Das for the Petitioner in C.P. No.549 of 2015.

Mr.Ashish Kamat with Ms.Debashree Dey i/b Desai & Diwanji for the
Applicants in C.A. (Ldg.) No.434 of 2016 in C.P. No.1278 of 2015.

Mr.Chetan Kapadia with Mr.Sachin C. i/b M/s.Manilal Kher Ambalal &
Co. for the Citi Bank.

Mr.Parikshit Desai i/b Mr.Vikramsingh Yadav for the Applicant in C.A. (Ldg.) No.446 of 2015.

Mr.Kevic Setalvad, Senior Counsel for Ex-Directors i/b Mr.Afreen Mukadam for the Respondent.

Mr.Mahendhar Aithe, Company Prosecutor for the Official Liquidator present.

CORAM : R.D. DHANUKA, J.
DATE : 14TH FEBRUARY, 2017.

P.C. :-

1. Mr.Narichania, learned senior counsel appearing for the applicant states that though the Ex-Directors of the respondent, are already served in August, 2016, no affidavit in reply is filed.
2. Learned counsel appearing for the Ex-Directors seeks time to file affidavit in reply.
3. Learned senior counsel for the applicant invited my attention to the order dated 15th June, 2016 passed by Shri Justice B.P. Colabawalla in Company Application (Lodging) No.434 of 2016 in Company Petition No.1278 of 2015 against the same company allowing Company Application (Lodging) No.434 of 2016 *inter-alia* praying for impleadment of the Ex-Directors of the respondent on record. He submits that in Company Application No.411 of 2016, the applicant seeks further reliefs against the Ex-Directors and thus impleadment of the Ex-Directors would be necessary in this petition.
4. In view of the fact that this Court has already allowed

impleadment of the Ex-Directors in Company Application (Lodging) No.434 of 2016 in Company Petition No.1278 of 2015 against the Ex-Directors. I am inclined to allow this company application inter-alia praying for impleadment of the Ex-Directors and Promoters of the respondent. The applicant also seeks further reliefs against the Ex-Directors in Company Application No.411 of 2016. No prejudice would be caused to the Ex-Directors if they are impleaded as party respondent to this company petition. The application for adjournment is rejected.

5. The Company Application No.410 of 2016 is made absolute in terms of prayer clause (a). The amendment to be carried out within one week from today. The amended copy of the petition shall be served upon the Ex-directors within three days from the date of carrying out amendment. No order as to costs.

6. Place the company petitions along with Official Liquidator Report No.448 of on board on 8th March, 2017.

(R.D. DHANUKA, J.)