

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

**COMPANY APPLICATION NO.796 OF 2015
IN
COMPANY PETITION NO.196 OF 2014**

M/s.Sandeep Steels .. Applicant

In the matter between

M/s.Shree Sai Industries Pvt. Ltd. .. Petitioner

Vs.

The Official Liquidator of
Maharashtra Power Transmission
Structures Pvt. Ltd. .. Respondent

Mr.Niraj Shah i/by M/s.Law Chambers of Siddharth Murarka for the applicant.

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

CORAM : R.D. DHANUKA, J.

DATE : 2nd February 2017

P.C. :

. Learned counsel appearing for the applicant did not press the prayer clause (b) on the ground that no leave is required to proceed with the criminal complaint filed against the respondent-company and its Directors.

2. In so far as the prayer clauses (d) and (e) are concerned, the Official Liquidator is required to look into the allegations made by the applicant in the company application and to submit a report for appropriate directions within four weeks from today. If any such report is submitted by the Official Liquidator for appropriate directions, a copy

thereof shall also be served upon the Ex-directors of the respondent-company and the applicant herein.

3. In so far as the prayer clause (a) is concerned, the learned counsel appearing for the applicant states that the applicant has already filed an affidavit of claim before the Official Liquidator.

4. Since the applicant is not willing to pay the litigation cost as may be incurred by the Official Liquidator in the said suit, I am not inclined to grant leave under Section 446 of the Companies Act, 1956.

5. If the affidavit of claim is not filed, it shall be filed before the Official Liquidator within four weeks from today. If the affidavit of claim is filed within four weeks from today, the Official Liquidator to adjudicate upon the said claim.

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

R.D. DHANUKA, J.