

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

**COMPANY APPLICATION NO.499 OF 2016
IN
COMPANY PETITION NO.188 OF 2014**

Descon Limited .. Applicant

In the matter between

JM Financial Asset Reconstruction
Company Private Ltd.

.. Petitioner

Vs.

The Official Liquidator of
M/s.Spanco Limited

.. Respondent

Mr.Jayesh Mistry i/by M/s.RMG Law for the applicant.
Mr.Mohendhar Aithe, Company Prosecutor present.

**CORAM : R.D. DHANUKA, J.
DATE : 15th February 2017**

P.C. :

. Learned counsel appearing for the applicant does not press this company application for leave under Section 446 of the Companies Act, 1956 and states that the applicant has already withdrawn the Summary Suit No.905 of 2015. Statement is accepted.

2. In view of withdrawal of the said summary suit, this company application does survive and is accordingly disposed of. No order as to costs. It is however made clear that the applicant is at liberty to file an affidavit of claim before the official liquidator. Such affidavit of claim shall be filed within four weeks from today. Delay, if any, in filing the affidavit of claim is condoned. If any affidavit of claim filed

by the applicant within four weeks from today, the official liquidator shall decide the said claim on its own merits and in accordance with law.

R.D. DHANUKA, J.