

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

**COMPANY APPLICATION NO.513 OF 2016
IN
COMPANY PETITION NO.41 OF 1986**

National Insurance Co. Ltd. .. Applicant

In the matter between

M/s.Godfrey Philips India Ltd. .. Petitioner

Vs.

The Official Liquidator of
M/s.Machinery Manufacturing
Corporation Ltd. .. Respondent

Mr.A.S. Khandeparkar i/by M/s.Warerkar and Warerkar for the applicant.
Ms.Yogini Chauhan, Deputy Official Liquidator present.

CORAM : R.D. DHANUKA, J.

DATE : 10th February 2017

P.C. :

. By this application, the applicant seeks condonation of delay of 8866 days in filing claim and proof of debt before the official liquidator.

2. Mr.Khandeparkar, learned counsel appearing for the applicant states that the applicant is a Public Sector Undertakings and thus the delay is caused on the part of the applicant. He states that the delay is explained in the affidavit-in-support of the company application and the same shall be condoned.

3. A perusal of the affidavit-in-support of the company application indicates that the delay is not fully and satisfactorily explained. The Deputy Official Liquidator, however, states that all assets

of the company in liquidation are already sold and the dividend is also declared for payment to the workers and the secured creditors of the company. In view of the fact that the company is not fully wound up till date and in the interest of justice, delay can be condoned if costs of Rs.50,000/- is paid to the official liquidator which shall be used for official expenses by the official liquidator.

4. Company application is made absolute in terms of prayer clauses (a) to (c). Delay of 8866 days in filing claim and proof of debt before the official liquidator is condoned on the condition that the applicant pays costs of Rs.50,000/- to the official liquidator within four weeks from today. It is made clear that if cost is not paid within the time prescribed, the order of condonation of delay passed by this Court to stand vacated without further reference to the Court. If the cost is paid, the official liquidator shall take the affidavit of claim and proof of debt on record and adjudicate thereupon on its own merits.

R.D. DHANUKA, J.