

Nalawade

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

COMPANY APPLICATION NO.119 OF 2017
IN
COMPANY PETITION NO. 700 OFF 2014

Multiflex Lami Print Ltd. ...Applicant.
In the matter between

Multiflex Lami Print Ltd. ...Petitioners.
vs.

The Official Liquidator, High Court
Bombay. ` ...Respondent.

Mr. L.R.Casteliao i/by Law Frame for the Applicant.
Ms. Shivani Soni i/by Deven Dwarkadas & Partners for
Respondent No.2/Original Petitioner.
Mr.Mahendhar Aithe,Company Prosecutor present.

CORAM :A.S.GADKARI, J.
DATE : 7th July, 2017

P.C.

1. Heard the learned counsel for the respective parties. The learned counsel for the respondent/original petitioner vehemently opposed the application.

2. In the present application the applicant has prayed that the order dated 5.2.2015 passed in Company Petition No.700/2014 ordering winding up of the respondent company Multi flex Lami Print Ltd. (in liquidation) be recalled. It is submitted that while filing the said company petition a categorical statement has been made by the petitioner namely Borouge Pte Ltd. that no

reference before the BIFR and the appeal before the AAIFR is pending in respect of the respondent company i.e. Multi Flex Lami Print Ltd. The record indicates that BIFR had in fact passed an order dated 20.10.2013 in a reference made by the applicant/original respondent company and an appeal was preferred against the rejection of the said reference. Thus, it clearly appears that when the present company petition was filed on 11.2.2014 the final reference order of the BIFR dated 20.10.2013 was already in existence and the petitioner has made wrong statement in para 21A of the petition. In view thereof, the order dated 5.2.2015 is hereby recalled.

3. Application is allowed in terms of prayer clause (a)and (b).

(A.S.GADKARI, J.)