

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

**COMPANY APPLICATION (L) NO.696 OF 2015
IN
OFFICIAL LIQUIDATOR'S REPORT NO.213 of 2015
IN
COMPANY PETITION NO.421 OF 2013**

Manish Malani & Anr. .. Applicants

In the matter between

The Official Liquidator .. Petitioner

Vs.

M/s.Birla Power Solutions Ltd. .. Respondent

Mr.S.B.Rao i/by Ms.Gauri S. Rao for the applicants.

Ms.Yogini Chauhan, Deputy Official Liquidator present.

CORAM : R.D. DHANUKA, J.

DATE : 10th February 2017

P.C. :

. By this application, the applicants seek recall of the order dated 4th September 2015 passed by Shri Justice S.C.Gupte thereby allowing the Official Liquidator's report No.213 of 2015 in terms of prayer clause (a) i.e. granting permission to the official liquidator to file a complaint under section 454(4) of the Companies Act, 1956 against the Ex-directors of the company in liquidation on account of non-filing of the statement of affairs.

2. Learned counsel appearing for the applicants states that the Ex-directors have already filed the statement of affairs with the official liquidator. He submits that his clients could not file revised statement of affairs in view of the fact that certain records of the company may be

available in the company premises at Dehradun which is in possession of Tahsildar, Lal-Tappar, P.O. Resham, Mazri, Dehradun. He states that his client would file revised statement of affairs after an inspection and copies of such records as may be made available to the Ex-directors. He submits that the Ex-directors will co-operate with the official liquidator whenever any co-operation is sought by the official liquidator from them. Statement is accepted.

3. The official liquidator is at liberty to apply for custody of the said records which is in possession of the Tahsildar or in the alternative to seek copies of the said records from the concerned Tahsildar. If any such records are made available, the inspection and copy thereof shall be furnished to the Ex-directors to enable the Ex-directors to file revised statement of affairs within four weeks from the date of such inspection and furnishing copies thereof. The Ex-directors shall also co-operate with the official liquidator whenever such co-operation is required from the Ex-directors.

4. The order dated 4th September 2015 is recalled as against the applicants to this company application subject to aforesaid conditions. Company application is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.