

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

**OFFICIAL LIQUIDATOR REPORT NO. 393 OF 2016
IN
COMPANY PETITION NO.28 OF 2012**

In the matter of Companies Act, I of
1956

And

In the matter of M/s. Zenith
Infotech Ltd. (In Liqn.)

M/s. The Bank of New York Mellon,
London Branch

.. Petitioner

Mr. Vinod Sharma, O.L. Present

Ms. Yogini D. Chaudhari, Dy. O.L. Present

Mr. Rohan Rajadhyaksha, Counsel a/w Mr. Priyanka Shetty, Sukanya
Bhaumik i/b AZB and Partners

Mr. Arif Bookwala a/w Mr.Nausher Kohli i/b DSK Legal for ex-directors

CORAM : R.D. DHANUKA, J.

DATED : 21st APRIL, 2017.

PC.

1. By this report, the learned Official Liquidator seeks directions to appoint specialized investigating agency to investigate the complaint made by Mr. Robert D'Souza, Freelance Journalist.

2. Learned Official Liquidator invited my attention to the letter dated 9th February, 2017 addressed by the Senior Police Inspector, MIDC Police Station, Mumbai to the Official Liquidator in response to the letter dated 19th January, 2017 addressed by the Official Liquidator to

the concerned police Inspector. A perusal of the said letter dated 9th February, 2017 by the Senior Police Inspector indicates that the said police station had received an identical complaint alleged to have been made by the said person. Pursuant to the said complaint, the MIDC police station conducted an enquiry on instructions of Maharashtra Government, Director General of Police through the Office of the Commissioner of Police, Mumbai. The concerned police station made over all and detailed enquiry about the said Mr. Robert D'souza and found that there is no one by name of Mr. Robert D'souza. The MIDC police station accordingly closed the said inquiry. In view of letter addressed by the MIDC Police Station to the Official Liquidator, it is submitted by learned Official Liquidator that since the report was filed by the Official Liquidator only on the basis of such complaint alleged to have been made by Mr. Robert D'souza, who does not exists according to the MIDC police station, the Official Liquidator does not press this report. Statement is accepted.

3. In view of the letter dated 9th February, 2017 addressed by the MIDC police station to the official liquidator and in view of the statement made by the Official Liquidator, I do not propose to consider the reliefs as prayed by the Official Liquidator. The Official Liquidator

Report is disposed of in aforesaid terms. No order as to costs.

4. Insofar as allegations of the petitioner made in the affidavit-in-reply dated 29th December, 2016 in this report against the ex-directors and that an appropriate inquiry shall be conducted by this Court suo-motu against the ex-directors is concerned, the petitioner is at liberty to file appropriate application before this Court for appropriate directions. If any such an application is filed, the same would be considered on its own merits.

5. Mr. Bookwala, learned Senior Counsel appearing for the ex-directors states that his clients have not filed any reply to the affidavit-in-reply filed by the petitioner in view of the fact that the Official Liquidator had proposed not to press this report in view of the letter dated 9th February, 2017 addressed by the MIDC Police Station to the Official Liquidator, but they deny each and every allegations made in the said affidavit filed by the petitioner. Statement is accepted. It is made clear that this Court has not gone into merits of the allegations made by the petitioner in the affidavit-in-reply dated 29th December, 2016. All contentions of the parties are kept open.

(R.D. DHANUKA, J.)