

Nalawade

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

COMPANY APPLICATION NO.282 OF 2015
WITH
OLR NO.235 OF 2016

M/s. CD Safety & Security Services Pvt. Ltd.
..Applicant.

And
Integrated Finance Company Ltd. ..Petitioner.

vs.

The Official Liquidator of M/s.
Trident Steels Ltd. (in Liqn.) and ors. ..Respondents.

Ms. Molina Thakur for the Applicant in CA No.282/2015.

Ms. Jaya Alle i/by AKS Legal Consultants for the applicant
in C.A.No.301 of 2016 and 302 of 2016.

Mr. Mahendhar Aithe Company Prosecutor present.

CORAM :A.S.GADKARI, J.

DATE : 7th July, 2017

P.C.

1. Leave to amend the prayer clause. Amendment
to be carried out forthwith.

2. Heard the learned counsel for the applicant, the
learned counsel for the IDBI Bank and the Company
Prosecutor.

3. The record indicates that in pursuance of the
minutes of the Meeting dated 11.1.2012 all the concerned

to the Company Petition No.360/1998 had agreed to make payment of the security agency i.e. applicant herein proportionately. The learned counsel for the applicant submitted that since October 2013 to July 2017 the security charges of the applicant have not been paid by the Official Liquidator. She submitted that there is dispute interse between the secured creditors for making payment to the applicant and for the same the applicant should not be made to suffer. The learned counsel appearing for the respondent submitted that it is a matter of fact that the Minutes of the Meeting dated 11.1.2012 have been signed by her client. In view thereof and in view of the facts mentioned in the affidavit in support of the application, the application is allowed in terms of prayer clause (a).It is needless to mention that the applicant shall comply with the necessary procedure as per the provisions of law.

3. As far as prayer clause (b) is concerned the applicant is directed to continue to provide the security personnel deployed at the site for a further period of one month from today as the applicant in CP No.301/2016 and

302/2016 are hesitant in making payment of the security personnels. It is submitted that the said applicants may consider to deploy their own security personnels for the protection of the property in question. The Company Prosecutor on instructions submitted that the office of the Official Liquidator will take steps in auctioning the property of the company in liquidation within a period of two weeks from today. It is made clear that the applicant will be entitled for security charges for the period upto which it will deploy its security personnel at the site of the company (in liquidation) and the office of the Official Liquidator shall pay the necessary and requisite charges of the said personnel after the demand is placed by the applicant with it.

4. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)