

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

**COMPANY APPLICATION (L) NO.786 OF 2016
IN
COMPANY PETITION NO.257 OF 2012**

Nishant Ajit Mahidhar)..Applicant

V/s.

Official Liquidator of M/s.Shree Ashtavinayak)
Cine vision Ltd. High Court, Bombay)..Respondent

IN THE MATTER BETWEEN :

Eros International Media Limited)..Petitioner

Vs

M/s.Shree Ashtavinayak Cine Vision Ltd.)..Respondent

Mr.A.S.Daver i/by Seema S.Hunnurkar for the applicant.

[Mr.Mahendhar Aithe-Company Prosecutor from the office of OL present].

**CORAM : K.R.SHRIRAM,J
DATE : 15.9.2017**

P.C.:-

1 This application has been taken out by the applicant to recall/modify the order dated 4.12.2015 in as much as the applicant wants to be removed from the list of ex-directors against whom the Official Liquidator has been directed to file criminal complaint under section 454(5) of the Companies Act 1956. In the affidavit in support it is stated that the applicant was a non executive independent director and did not take part in day to day affairs of the company. The applicant also states that he does not have any record, assets,

receivables, cash and any document, books of account of the company in his possession. Copy of the annual report for the year 2010-2011 is annexed to the additional affidavit of the applicant dated 10.6.2017 in which it is also mentioned that the applicant Mr.Nishant A.Mahidhar was a non executive independent director. Three other non executive independent directors were exempted from the list of directors against whom the Official Liquidator was to file criminal complaint under section 454(5) of the Companies Act 1956. In the order dated 4.12.2015 the official liquidator was permitted to file criminal complaint against directors including the applicant herein.

2 I am satisfied that the applicant was a non executive independent director and certainly will not have any record, assets, receivables, cash or any document and the applicant will not be able to furnish any statement of assets of the company in liquidation.

3 In the circumstances, application is allowed in terms of prayer clause-(a) to the extent that the official liquidator need not file criminal complaint under section 454(5) of the Companies Act 1956 against the applicant who was noticee no.6 originally.

4 Application accordingly disposed. Notwithstanding disposal of this application, within 2 weeks, all office objections to be removed and application to be numbered.

(K.R.SHRIRAM,J)