

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

**COMPANY APPLICATION (L) NO.799 OF 2016
IN
COMPANY PETITION NO.376 OF 2002**

Dileep Balkrishna Nevatia ... Applicant
(Third Party No.1)

In the matter between :

M/s Bhansali Eng. Polymers Ltd. ... Petitioner
Versus

The Official Liquidator, High Court
Bombay of Sundeep Polymers Pvt. Ltd
(in Liqn.) ... Respondent

And
Dileep Balkrishna Nevatia & Others ... Third Parties

.....
Mr. Dileep Nevatia, Applicant in person.
Mr. Amar Mishra, AGP for the State.

.....

CORAM : S.C. GUPTE, J.

DATE : 9 FEBRUARY 2017

P.C. :

. By an order passed by the Company Court under Section 446 of the Companies Act, 1956, suits pending before the Court of Civil Judge, Senior Division at Pune and Nagpur, have been transferred to the Company Court. The present company application seeks transfer of Writ Petition No.7330 of 2008 pending before the Aurangabad Bench of this Court, which has a bearing on the controversy before the Company Court. It is submitted that the Company Court may transfer this pending petition to the main seat of this Court, to be heard along with the pending suits, by exercising its

powers under Section 446 of the Companies Act. A writ petition pending before another bench of this Court cannot be transferred by the Company Court to itself under Section 446. The Applicant will have to apply to the Hon'ble the Chief Justice for transfer of the pending writ petition from Aurangabad Bench to the Principal Seat and then have it assigned to the learned Judge hearing company matters alongwith the pending suits. On this being pointed out, the Applicant offers to withdraw the company application. The Applicant submits that he shall make an appropriate application before the Hon'ble the Chief Justice seeking suitable directions in this behalf.

2 The company application is dismissed as withdrawn.

(S.C. GUPTE, J.)