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

COMPANY APPLICATION NO.186 OF 2016
IN
COMPANY APPLICATION NO.860 OF 2015
IN
COMPANY PETITION NO.408 OF 2013

Wazir Financial Services Pvt. Ltd. ...Applicant

IN THE MATTER BETWEEN :

M/s.MLI Capital Services Ltd. ...Petitioner

V/s.

Official Liquidator of Glodyne Ventures
and Holding Pvt. Ltd. ...Respondent

And

Annand Sarnaik & Anr. ...Interveners

Mr.Siddharth Murarka with Mr.Niraj Shah i/b Law Chamber of
Siddharth Murarka for the Applicant in C.A. No.860 of 2015.

Mr.Rajendra Jain i/b Thakore Jariwala & Associates for the Applicant
in C.A. No.186 of 2016.

Mr.Mahendhar Aithe, Company Prosecutor for the Official Liquidator.

CORAM : R.D. DHANUKA, J.

DATE : 24TH FEBRUARY, 2017.

P.C. :-

1. By this application, the applicant seeks impleadment in
Company Application No.860 of 2015, which was filed for several
reliefs, including for leave under section 446(1) of the Companies Act,

1956 for filing the criminal complaint against the respondent company and its directors and also for various directions against the company as well as ex-directors. By an order dated 20th January, 2017, this Court passed an order dismissing the said company application as withdrawn on the ground that no leave under section 446(1) of the Companies Act was required for prosecuting the criminal complaint filed against the company in liquidation and its ex-directors.

2. A perusal of the prayers in the said company application indicates that in addition to the prayers for leave under section 446(1) of the Companies Act, 1956, there are several other prayers also. It is thus clarified that prayer clauses (a) and (b) of the said Company Application No.860 of 2015 cannot be granted. It is however, made clear that the other prayers in the said company application can be considered on its own merits. The Company Application No.860 of 2015 is thus restored to file.

3. It is not in dispute that since the applicant in Company Application No.186 of 2016 are the ex-directors of the respondent company in liquidation, they would be necessary parties to Company Application No.860 of 2015. The amendment to be carried out within two weeks from today. Affidavit in reply shall be filed by the applicant in Company Application No.860 of 2016 after service of the Company application No.860 of 2015 and would serve a copy thereof upon the

applicant's advocate. Re-joinder, if any, shall be filed by the applicant in Company Application No.860 of 2015 within two weeks from the date of service of the affidavit in reply. The Official Liquidator is also directed to file affidavit in reply in Company Application No.860 of 2015 within two weeks from the date of service of the amended copy of the Company Application No.860 of 2015 and shall serve a copy thereof upon the applicant's advocate. Re-joinder, if any shall be filed within two weeks thereafter.

4. The Company Application No.186 of 2016 is disposed of in aforesaid terms. No order as to costs. Place Company Application No.860 of 2015 after eight weeks from today.

(R.D. DHANUKA, J.)