

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Company Appeal No.6 of 1996
(Ravishankar Agrawal v. Assistant Official Liquidator)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Dr. Anjan De, Advocate for Official Liquidator.

Coram : R.K. Deshpande & Manish Pitale, JJ.
Date : 10th August, 2017

Dr. Anjan De, the learned counsel for the Official Liquidator, invited our attention to the order dated 4-1-2012 passed by the Division Bench of this Court in Company Appeal No.2 of 1994 [*Santoshkumar Agrawal v. Assistant Official Liquidator*] along with other connected matters. The said order is reproduced below :

“ Heard Shri M.G. Bhangde Senior Counsel with Shri V.V. Bhangde learned counsel, Shri S.V. Manohar learned counsel for the respective appellants and Shri De learned counsel for the respondent-Official Liquidator.

With consent of parties as the consideration in impugned judgment dated 20.08.1993 by learned Company Judge does not appear to be in consonance with the law laid down, the same is quashed and set aside.

Matter is placed back for fresh consideration before the learned Company Judge. It is agreed that such reconsideration shall be on the strength of material already on record.

The Company Appeals are thus partly allowed and disposed of. No costs.”

Dr. Anjan De for the Official Liquidator submits that the controversy involved in the present matter is the same and hence it will have to be sent back to the Company Court for decision afresh along with Company Appeal No.2 of 1994.

We accept the aforesaid statement and quash and set aside the judgment and order passed by the learned Single Judge in Company Applications No.67/79, 68/79 and 4/80 arising out of Company Petition No.7 of 1972 and remit the matter back to the Company Court for decision afresh in accordance with law.

The company appeal stands disposed of. No costs.

Judge

Judge