

IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO. 37 OF 2012

IN

COMPANY PETITION NO. 10 OF 1999

CARSONS ORE CARRIERS PRIVATE
LIMITED (IN LIQUIDATION) THROUGH
OFFICIAL LIQUIDATOR

... Applicant

Versus

H.S. MAINI AND 6 ORS.,

... Respondents

Ms. Amira Razaaq, Advocate for the Official Liquidator.

Coram:- C. V. BHADANG, J.

Date:- 29th November 2018

P.C.

This is an application for condonation of delay in filing the proceedings under Section 543 of the Companies Act, 1956 (the Act, for short), for misfeasance.

2. I have heard the learned Counsel appearing for the Official Liquidator. Perused the judgment of the Supreme Court in the case of AJAY G. PODAR Vs. OFFICIAL LIQUIDATOR, JAIPUR SPINNING AND WEAVING MILLS; (2009)93 SCL 166 (SC). It is clear that as held by the Hon'ble Supreme Court, there is no provision for condonation of delay in the matter of filing of the Misfeasance proceedings under Section 543 of the

Act. In that view of the matter, the Company Application is hereby dismissed. This will not affect the remedy available, if any, to the Official Liquidator to prosecute the Ex-Directors.

C. V. BHADANG, J.

SMA