

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

**COMPANY APPLICATION NO. 20 OF 2018
IN
COMPANY PETITION NO. 1066 OF 2015**

Kalpataru Properties Pvt. Ltd. .. Applicant

In the matter between :

Action Barter Private Limited .. Petitioner

Vs.

Shree Ram Urban Infrastructure Limited .. Respondent

And

The Official Liquidator,
Bombay High Court, Provisional Liquidator
of Shree Ram Urban Infrastructure Ltd.
[in Provisional Liquidation] .. Respondent

Mr. Mustafa Doctor, senior advocate a/w. Mr Nameata Shah, Mr. Prabhakar Parekh and Ms. Madhavi Doshi i/b M/s. Federal and Rashmikant for applicant.

Mr. Mayur Khandeparkar a/w. Ms. Gauri Memon i/b Nankani Associates for original petitioner.

Mr. Prathamesh Kamat for official liquidator.

Mr. Pola Raghunath, Deputy Official Liquidator present.

**CORAM : K.R.SHRIRAM, J.
DATE : 2ND FEBRUARY 2018**

P.C.

1 The application is for leave under Section 446 of the Companies Act, 1956. None of the counsels have any objection.

2 The application is allowed in terms of prayer clauses (a) and (b) which read as under :-

“(a) That the Applicant be granted leave under Section 446 and other applicable provisions of the Companies Act, 1956 (read with the relevant rules) to proceed with;

(i) the pending Commercial Execution Application No. 134 of 2017 for enforcement/execution as a decree the Award dated 29th August 2016 [in favour of the Applicant and against Shree Ram Urban Infrastructure Ltd.(in Provisional Liquidation)] as upheld by this Hon'ble Court in its Judgment dated upheld by this Hon'ble Court in its Judgment dated 14th/ 17th August 2017 passed in Commercial Arbitration Petition No. 166 of 2016; and

(ii) the pending Commercial Arbitration Petition No. 70 of 2016 (for interim reliefs) filed by the Applicant against Shree Ram Urban Infrastructure Ltd. (in Provisional Liquidation);

(b) That the Official Liquidator appointed as the Provisional Liquidator of Shree Ram Urban Infrastructure Ltd. (in Provisional Liquidation) be substituted/impleaded as a Respondent in place and stead of Shree Ram Urban Infrastructure Ltd. (in Provisional Liquidation) in the said Commercial Execution Application No. 134 of 2017 and the said Commercial Arbitration Petition No. 70 of 2016.”

3 Company application disposed accordingly.

(K.R. SHRIRAM, J.)