

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

COMPANY APPLICATION NO.97 OF 2018

IN

COMPANY PETITION NO.699 OF 2015

Abhijit Uttamrao Deshmukh

....Applicant

IN THE MATTER BETWEEN :

M/s. Omkar Gratings Pvt. Ltd.

....Petitioner

Vs.

Official Liquidator of Maharashtra
Shetkari Sugar Limited and Anr.

....Respondents

Ms. Fatima Barodawala I/b. Mr. Raval Shah for applicant.

Mr. Devendra Tiwari I/b. Mr. Siddharth Murarka for petitioner.

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

CORAM : K.R.SHRIRAM, J.

DATE : 10th JULY 2018

P.C.:

1 At the outset, Ms. Barodawala, counsel for applicant states that applicant has lodged a company application (lodging) no.360 of 2018 for leave to amend the company application no.97 of 2018. The said company application (lodging) no.360 of 2018 is not listed on board today. At the same time, considering the prayers sought and at the request of applicant's counsel, the company application (lodging) no.360 of 2018 is taken up for hearing. Ms. Barodawala states that a copy of this application has been served upon petitioner quite some time ago and no reply opposing the application has been filed.

2 Mr. Tiwari, counsel for petitioner states that they have not been receiving any instructions from petitioner for quite some time. There is no affidavit on record opposing this company application (lodging) no.360 of 2018.

3 Therefore, company application (lodging) no.360 of 2018 is allowed and accordingly disposed in terms of prayer clause – (a).

4 Leave to amend granted. Amendment to be carried out forthwith. Re-verification dispensed with.

5 Notwithstanding disposal of the company application, applicant to remove all office objections and get the application numbered within two weeks from today.

COMPANY APPLICATION NO.97 OF 2018

1 So far as the main company application no.97 of 2018 is concerned, there is no affidavit in reply filed opposing the application by original petitioner. Again Mr. Tiwari states that they have not been receiving any instructions from petitioner.

2 Therefore, the order dated 12th January 2018 passed in company petition no.699 of 2015 is recalled. Application accordingly stands disposed.

3 The company is directed to advertise in Free Press Journal and Navshakti within one week from today recall of the order dated 12th January 2018 in company petition no.699 of 2015 and that the petition will be dismissed if petitioner is not represented on the next date.

4 The advocate for petitioner and advocate for respondent-company are directed to forward a copy of this order to petitioner by email, courier and hand delivery within one week from today.

5 Stand over to 31st July 2018.

(K.R. SHRIRAM, J.)