

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

**COMPANY PETITION NO.812 OF 2009
WITH
COMPANY APPLICATION (L) NO.54 OF 2018
WITH
COMPANY APPLICATION (L) NO.624 OF 2017
IN
COMPANY PETITION NO.812 OF 2009**

Chimanlal Ratanchand VoraPetitioner

Vs.

Erica Lifescience Private LimitedRespondent

Ms. Priyanka Kothari i/b. Mr. Vivek Phadke for applicant in CAL/624/2017 (for ex-directors).

Mr. Prakash S. Ghate, ex-director/applicant present.

Mr. Vishal Mehta i/b. Sualeh Nagvadaria for applicant in CAL/54/2018.

Mr. Asad T. Bukhari for original petitioner.

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

CORAM : K.R.SHRIRAM, J.

DATE : 26th FEBRUARY, 2018

P.C.:

COMPANY APPLICATION (L) NO.54 OF 2018

1 Heard the counsel for applicant and also considered the affidavit in support. For reasons mentioned in the affidavit in support, delay in lodging the affidavit of proof of claim is condoned.

2 Official Liquidator to consider the affidavit of proof of claim and dispose the same in accordance with law.

3 Ms. Kothari, counsel appearing for ex-directors states that the ex-directors dispute the claim of claimant in this application. Ms. Kothari, on instructions from Mr. Prakash S. Ghate, ex-director of respondent

company, who is present in Court, states that without prejudice to the rights and contentions of the ex-directors of the company, the ex-directors be permitted to deposit a sum of Rs.5,60,000/- with Official Liquidator and this amount will be deposited within two weeks from today. Ms. Kothari further states that if applicant satisfies Official Liquidator that the amount as claimed has to be paid, then the amount of Rs.5,60,000/- can be used subject to hearing the ex-directors. At the same time, if Official Liquidator does not adjudicate the claim of applicant as claimed, then the amount of Rs.5,60,000/- can be returned to the ex-directors.

4 In my view, that is a very fair suggestion being made on behalf of the ex-directors of the company. Therefore, Official Liquidator to accept a sum of Rs.5,60,000/- from the ex-directors of the company without prejudice to the rights and contentions of the ex-directors.

5 Company application accordingly stands disposed. Notwithstanding disposal of this application, applicant to remove all office objections and get the application numbered within two weeks from today.

COMPANY PETITION NO.812 OF 2009

Stand over to 27th February, 2018 for filing consent terms.

(K.R. SHRIRAM, J.)