

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
COMPANY APPLICATION (LODG.) NO. 136 OF 2018  
IN  
COMPANY APPLICATION NO. 226 OF 2010  
IN  
COMPANY PETITION NO. 120 OF 1981**

Anilkumar Mittal

.. Applicant

***In the matter of :***

Swarajkumar Mittal

.. Petitioner

Vs.

Official Liquidator & Liquidator  
of M/s. Vibro Chemi Machinery  
Pvt. Ltd. & Anr.

.. Respondents

Mr. Bhupendhar Parekh for applicant.

Mr. Mahendhar Aithe, company prosecutor for official liquidator present.

**CORAM : K.R.SHRIRAM, J.**

**DATE : 27<sup>TH</sup> MARCH 2018**

**P.C.**

1 Application is basically to condone delay of 8½ years in filing the order dated 8<sup>th</sup> September 2009 read with order dated 29<sup>th</sup> April 2010.

2 In the affidavit in support, there is no explanation given for the delay save and except as stated in paragraph 10, '*I say that admittedly there is a delay which cannot be logically explained.....*'. According to applicant, one Mr. Swarajkumar Mittal had a dominant voice and it was impossible for any of the legal heirs including applicant to take up any issue pertaining to the said company. If for a moment, I accept this

ingenious explanation of applicant, still the said Mr. Swarajkumar Mittal expired on 26<sup>th</sup> March 2015, whereas this application has been lodged on 16<sup>th</sup> March 2018, almost three years after the death of said dominant voiced Mr. Swarajkumar Mittal. It should also be noted that the said Mr. Swarajkumar Mittal had taken out company application No.226 of 2010 for extension to file the order dated 8<sup>th</sup> September 2009 and that application also was allowed on 29<sup>th</sup> April 2010. Therefore, the applicant has not given any explanation for the delay itself.

3 Be that as it may, since the winding up order has been permanently stayed, the creditors' consent has been taken when the order dated 8<sup>th</sup> September 2009 was passed and applicant has deposited the amounts as directed in the said order and complied with the order, purely as indulgence, delay is condoned. At the same time, applicant should be put to terms. Applicant is directed to give a donation of Rs.1 lakh to the Indian Cancer Society. This amount to be paid within two weeks from today. Only upon being satisfied that this amount has been paid, the Registrar of Companies will accept filing to be done by applicant. Filing, in any event, should be done within four weeks from today. Application disposed accordingly.

**(K.R. SHRIRAM, J.)**