

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL JURISDICTION

COMPANY APPLICATION NO.187 OF 2018
IN
COMPANY PETITION NO.856 OF 2015

Prabhakar Shankar Dandekar .. Applicant

In the matter between:

HDFC Bank Limited .. Petitioner
Versus

Official Liquidator for
M/s. Brighlands Resorts Pvt. Ltd. .. Respondents

None for applicant

Mr. Anshul A. Anjarlekar an intern of Raval Shah for applicant presented

Mr. Kishor Jain I/b. Divya Jain and Shweta Jain for Original petitioner

Mr. Mahendhar Aithe, Company Prosecutor for O.L. present.

CORAM : K.R.SHRIRAM, J.

DATE : 3rd July 2018.

P.C.

The Official Liquidator objects to this application.

2] In the affidavit in support of this application, in para 7 it is alleged that the Official Liquidator would not be in a position to discharge its duties sofar as properties and assets of the respondent company in liquidation.

3] In my view, this is nothing but a baseless and scandalous allegation being made against the Official Liquidator. The O.L. has a panel of Advocates, from whom, the O.L. will engage someone to defend the

application. It is also open for the applicant to render all support to the Advocates appointed by the O.L. and the applicant may even pay the expenses of the Advocates.

4] Moreover, the applicant, as a ex-director of the company in liquidation, has not filed the statement of affairs as required under section 454 of the Companies Act and it is stated in the affidavit in reply by the O.L. that the Liquidator is in the process of taking action under section 454 of the Companies Act, 1956 against the applicant and ex-directors.

5] In view of the above and particularly in view of the fact that the applicant is not co-operating with the O.L. by filing statement of affairs the application is dismissed. It is of course, clarified that the applicant may assist the O.L. in contesting Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest, Act, 2002 proceedings and also pay legal fees of the Advocates appointed and to be appointed by the O.L.

(K.R.SHRIRAM, J.)