

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

**COMPANY APPLICATION NO.285 OF 2017
IN
COMPANY PETITION NO.261 OF 2014**

M/s.Trident Freight & Carrier Pvt. Ltd.)....Applicant

IN THE MATTER BETWEEN :

Nikoo Trade Link Pvt. Ltd.)....Petitioner
V/s.

M/s.Trident Freight & Carrier Pvt. Ltd.)....Respondent
And

Official Liquidator)....Respondent

Ms.Devki R.Sahu i/by Ashok M.Saraogi for applicant/original respondent.

Mr.Mahendhar Aithe-Company Prosecutor for OL present.

CORAM : K.R.SHRIRAM,J

DATE : 27.2.2018

P.C.:-

1 Further to the order dated 27.11.2017, the applicant has placed on record affidavit of one Santosh Kumbhar affirmed on 14.12.2017 confirming advertising the notice of proposed withdrawal of the petition in 'Free Press Journal' in English and in 'Navshakti' in Marathi on 5.12.2017. Official Liquidator has also filed a report bearing No.4 of 2018 confirming the same and also stating that Official Liquidator has not received any claim or objection from any party. Therefore, there is no impediment in permitting withdrawal of

the petition though petitioner is not represented in court today. The company has been in liquidation from 2014. In the report of the Official Liquidator, liquidator has stated that liquidator has incurred expenses of Rs.25,000/- and liquidator and the staff of the Official Liquidator has spent money and claimed cost of Rs.1,00,000/-. Ms.Sahu for applicants and Mr.Aithe-Company prosecutor state that they have not received any claim or objection from any party.

2 The court is aware that when order of winding up has been passed, the entire machinery of the office of the Official Liquidator gets activated for each company ordered to be wound up. Huge amount of time and efforts are put to consider the papers, address communication, take possession of the assets, call for statement of affairs etc. etc. Moreover, the company also has been in liquidation since 2014 viz. more than 3 years before this application itself has been filed. In my view, Official Liquidator is justified in asking for Rs.25,000/- towards office expenses and Rs.1,00,000/- as cost.

3 Application is allowed in terms of prayer clauses-(a) and (b) which read as under :-

“(a) that the delay of 961 days in filing the present
Company Application before this Hon'ble Court may

be condoned on such terms as this Hon'ble Court may deem fit and proper ;

(b) that be pleased to set aside the order dt.28th August 2014 passed in Company Petition No.261 of 2014 and the status of the Respondent Company be restored on such terms as this Hon'ble Court may deem fit and proper.”

4 The amount of Rs.1,25,000/- to be paid within two weeks from today. It is clarified that Official Liquidator will stand discharged only upon payment of this amount and if not paid, this order shall stand recalled without further reference to the court.

5 In view of the above, Petition and Official Liquidator's Report stand disposed.

(K.R.SHRIRAM,J)