

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.628 OF 2017
IN
COMPANY PETITION NO.6 OF 2013**

M/s. Shreechem Pharmaceuticals Pvt. Ltd.Applicant

IN THE MATTER BETWEEN :

Vidhya Pharmachem Private LimitedPetitioner

Vs.

M/s. Shreechem Pharmaceuticals Pvt. Ltd.
and Anr.Respondent

Mr. Jai Shah a/w. Mr. Jay Choksi I/b. Law Frame for applicant/original respondent.

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

CORAM : K.R.SHRIRAM, J.

DATE : 26th JUNE, 2018

P.C.:

1 Parties had entered into consent terms which was taken on record on 24th July 2013 read with order dated 22nd September 2014. In view of the self operative order, Official Liquidator as Provisional Liquidator took symbolic possession of the assets of the company. Mr. Shah, counsel for respondent company states that the petition was not formally admitted nor even advertised. I accept the statement of Mr. Shah.

2 This application is to declare the steps taken by Provisional Liquidator as unlawful, illegal and not binding on the company and to dispose the petition since parties have settled the matter.

3 Annexed to the petition at page 61 is a copy of No Dues Certificate issued by petitioner addressed to Official Liquidator. Mr. Aithe, Company Prosecutor for Official Liquidator states that he has received the No Dues Certificate through the company vide letter dated 2nd May 2016. At the same time, copy of this application that was sent to petitioner has come back undelivered with the endorsement “left” as it appears from the affidavit of one Ninad Kelarkar affirmed on 13th June 2018. Mr. Shah tenders an extract of the company master data maintained by the Ministry of Corporate Affairs, which Mr. Shah states, was taken by him today in which the registered address shown is the same address to which the notice has been sent about this application. Mr. Shah states that even yesterday he sent a notice by email to petitioner which bounced.

4 In the circumstances, in view of what is stated in the affidavit in support and in view of what is stated by Mr. Shah, application is allowed and accordingly disposed. Official Liquidator to hand over possession to the company.

5 Petition accordingly stands disposed.

(K.R. SHRIRAM, J.)