

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

**COMPANY APPLICATION NO. 452 OF 2018
IN
COMPANY PETITION NO. 25 OF 2016**

FRIGORIFICO ALLANA PVT. LTD. ...Applicant

IN THE MATTER OF

FRIGORIFICO ALLANA PVT. LTD. ...Petitioner

Versus

NVENTO FOODS TECHNOLOGIES PVT.LTD. ...Respondent

Mr.Yuvraj Singh i/b. M/s. Desai and Diwanji for Applicant/ Petitioner.
None for Respondent Company.

Mr.Mahendhar Aithe, Company Prosecutor for Official Liquidator.

**CORAM : K.R.SHRIRAM, J.
DATE : 26th SEPTEMBER 2018**

P.C.:

- 1 Heard counsel and also considered affidavit in support.
2. Affidavit in support does not state what steps applicant took to check the veracity and genuineness of an e-mail dated 19th September 2017. In view of the fact that order of admission has already been passed on 23rd August 2017, I would allow the application. At the same time, the explanations seem to be not genuine. In the email dated 19th September 2017, basic details of the

petition pending in NCLT is also given. I have to also note that all orders passed by the Courts and other judicial authorities are available online and in my view, the petitioner had not taken sincere efforts to search the status. If only the applicant had done that, substantial judicial time spent at the time of admission, at the time of final hearing and on two dates before Official Liquidator and today also would have been saved. Therefore, applicant to pay a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) as costs to the office of Official Liquidator within two weeks from today. Only upon paying this amount, this order will come into effect. Petitioner will be at liberty to file necessary claim before Resolution Professional/ NCLT, who shall consider and dispose the same in accordance with law.

3. The winding up order dated 23rd January, 2018 and admission order dated 19th April, 2018 stand recalled. Petition stands restored and disposed accordingly.

(K.R. SHRIRAM, J.)