

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

**COMPANY APPLICATION NO. 492 OF 2016
IN
COMPANY PETITION NO. 729 OF 2009**

Nirad Amilal Mehta

.. Applicant

In the matter of :

Board of Industrial Financial Reconstruction

.. Petitioner

Vs.

Official Liquidator of

M/s. Genelec Limited

.. Respondent

Mr.Udaybhanu Singh i/b Radheshayam M. Agarwal for applicant.

Mr. Rajiv Narula a/w. S.H. Doshie i/b Jhangiani Narula and Associates for respondent nos.2 to 4.

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

CORAM : K.R.SHRIRAM, J.

DATE : 8TH JANUARY 2018

P.C.

1 The Board for Industrial & Financial Reconstruction (BIFR) has recommended that respondent-company M/s. Genelec Limited (in liquidation) be wound up. Liquidation proceedings has also commenced.

Applicant is seeking the following reliefs :-

“(a) That pending the hearing and final disposal of the above Company Application, the Respondent Nos.2 to 6 be directed forthwith give on Oath about all the acts, actions and/or resolutions passed by the said Respondents since date of their appointment as Additional Directors of the Respondent No.1.

(b) *That pending the hearing and final disposal of the above Company Application, the Respondent Nos.2 to 6 be restrained to further pass any resolutions or act as directors of the Respondent Company.*

(c) *That Board Meetings held on August 4, 2007 and August 30, 2007 be declared as invalid and illegal.*

(d) *That all the resolutions passed by the Respondents and/or action, acts of the Respondent Nos. 2, 3 and 4 after 30th September 2007 be declared as illegal and void.*

(e) *That the appointment of Respondent Nos. 5 and 6 be declared defective, invalid and bad in law.*

(f) *That subsequently acts, actions and resolutions passed by the Respondent Nos. 5 and 6 be declared as illegal and bad in law.*

(g) *For interim and ad-interim reliefs in terms of prayer clause (a) and (b) above*

(h) *For costs.*

(i) *For such further and other reliefs as the circumstances of the case may require.”*

2 The main reliefs are prayer clauses (c), (d), (e) and (f). Prayers (e) and (f) are consequent to prayers (c) and (d). In prayers (c) and (d) as could be seen, applicant is seeking a declaration that the Board Meeting held on 4th August 2007 and 30th August 2007 and the Resolution passed on 30th September 2007 be declared as invalid, illegal and void. Application has been lodged on 29th July 2016, almost 9 years after the Board Meetings were held. The company itself has been ordered to be wound up on 27th July 2012. In my view, the application itself is grossly delayed and also a gross abuse of process of this Court and deserves to be dismissed.

3 The Company Application dismissed.

4 In view of the request made by Shri Udaybhanu Singh appearing for applicant, I am not imposing any cost.

(K.R. SHRIRAM, J.)