

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

**COMPANY PETITION NO.614 OF 2006**

**IN**

**B.I.E.R. CASE NO.238 OF 2001**

B.I.E.R.

....Petitioner

Vs.

M/s. Enva Chem (India) Limited

....Respondent

**WITH**

**COMPANY PETITION NO.472 OF 2001**

**WITH**

**COMPANY PETITION NO.473 OF 2001**

**WITH**

**COMPANY PETITION NO.221 OF 2002**

**WITH**

**COMPANY PETITION NO.1147 OF 2002**

**WITH**

**COMPANY PETITION NO.190 OF 2004**

**WITH**

**COMPANY PETITION NO.519 OF 2006**

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None for respondent.

Mr. Pola Raghunath, Deputy Official Liquidator present.

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**CORAM : K.R.SHRIRAM, J.**

**DATE : 16<sup>th</sup> FEBRUARY, 2018**

**PC.:**

**COMPANY PETITION NO.614 OF 2006**

1            Official Liquidator has filed an affidavit dated 15<sup>th</sup> November, 2016 of one K.V. Gautam confirming advertising the petition in Free Press Journal and Navshakti on 23<sup>rd</sup> October, 2006.

2            The BIFR in its order dated 23<sup>rd</sup> March, 2006 has opined that the company - M/s. Enva Chem (India) Limited be wound up.

3           It appears that the company had filed an appeal before AAIFR. Section 4 (b) of amended Sick Industrial Companies (Special Provisions) Repeal Act, 2003 provided that on such date as may be notified by the Central Government, any appeal preferred to AAIFR or any reference made or inquiry pending to or before BIFR shall stand abated provided that a company in respect of which such appeal or reference or inquiry that stands abated may make reference to the NCLT under the Insolvency and Bankruptcy Code, 2016 (IBC) within 180 days from the commencement of the IBC in accordance with the provisions of the IBC. The notified date is 1<sup>st</sup> December, 2016 and 180 days would expire on or about 31<sup>st</sup> May, 2017. There is nothing on record to show that any such reference has been made to the NCLT.

4           Mr. Raghunath states that he has no information about any reference being made to the NCLT. Nobody is appearing for the company either.

5           In the circumstances, the company - M/s. Enva Chem (India) Limited be wound up. Official Liquidator to take further steps immediately without waiting for any notification.

6           Company petition accordingly stands disposed.

**COMPANY PETITION NO.472 OF 2001**  
**WITH**  
**COMPANY PETITION NO.473 OF 2001**

**WITH**  
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**WITH**  
**COMPANY PETITION NO.519 OF 2006**

1            Since the company - M/s. Enva Chem (India) Limited has been ordered to be wound up by an order dated 16<sup>th</sup> February, 2018 in company petition no.614 of 2006, all the above petitions stand disposed with liberty to petitioners to lodge their respective proof of debt with Official Liquidator, who shall consider the same in accordance with law.

2            If the order dated 16<sup>th</sup> February, 2018 in company petition no.614 of 2006 winding up respondent company – M/s. Enva Chem (India) Limited is recalled or set aside in appeal, liberty is given to petitioners in these petitions to revive their petition and move once again for necessary orders including winding up of respondent company.

**(K.R. SHRIRAM, J.)**