

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

COMPANY PETITION NO.784 OF 2005

IN

B.I.E.R. CASE NO.3 OF 1998

B.I.E.R.

....Petitioner

Vs.

M/s. Silkon Silk Mills (Exports) Limited

....Respondent

None for respondent.

Mr. Pola Raghunath, Deputy Official Liquidator present.

CORAM : K.R.SHRIRAM, J.

DATE : 16th FEBRUARY, 2018

PC.:

1 Mr. Raghunath, Deputy Official Liquidator states that the petition has been advertised on 16th February, 2006 in Free Press Journal and Mumbai Samachar and relies upon an affidavit of one S.C. Gupta affirmed on 20th March, 2006.

2 The BIFR in its order dated 12th September, 2003 has opined that the company - M/s. Silkon Silk Mills (Exports) Limited be wound up.

3 Mr. Raghunath states that his records indicate that an appeal has been filed by the company before AAIFR but has no further details.

4 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 1st December, 2016 and 180 days would expire on or about 31st May, 2017. There is nothing on record to show that any such reference has been made to the NCLT.

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

6 In the circumstances, the company - M/s. Silkon Silk Mills (Exports) Limited be wound up. Official Liquidator to take further steps immediately without waiting for any notification.

7 Company petition accordingly stands disposed.

(K.R. SHRIRAM, J.)