

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

**COMPANY APPLICATION NO. 59 OF 2018
IN
COMPANY PETITION NO. 158 OF 2015**

Praj Industries Limited .. Applicant

In the matter between :

Praj Industries Limited .. Petitioner

Vs.

Vitthal Distilleries Ltd. .. Respondent

Mr.Tejas Dande for applicant/original petitioner.

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

CORAM : K.R.SHRIRAM, J.

DATE : 6TH JUNE 2018

P.C.

1 Shri Dande appearing for applicant states that application is basically to restore the petition which came to be dismissed due to self-operative order passed on 25th October 2016 in view of the default by petitioner in not depositing the amount of Rs.10,000/-. Shri Dande further states that the company has already been ordered to be wound up vide order dated 8th February 2018 in Company Petition No.324 of 2015. Shri Dande states that the petition be restored so that petitioner can lodge its affidavit of proof of debt with the official liquidator.

2 Having heard Shri Dande, considered the affidavit in support and in view of the fact that the company has already been ordered to be wound up, the question of petitioner paying the amount of Rs.10,000/- with the Prothonotary and Senior Master, High Court, Bombay does not arise.

3 The petition, therefore, restored to file. If the order dated 8th February 2018 in Company Petition No.324 of 2015 winding up respondent company is recalled or set aside in appeal, liberty is given to other petitioner to revive its petition and move once again for necessary orders including winding up of respondent company.

4 Applicant to give a donation of Rs.20,000/- to Mumbai Police Welfare Fund and this amount to be paid within two weeks from today. It is made clear that if within two weeks, this amount is not paid, the petition will stand dismissed without further reference to the Court.

5 The application accordingly disposed.

(K.R. SHRIRAM, J.)