

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

**COMPANY APPLICATION NO.684 OF 2017
IN
COMPANY PETITION NO.1126 OF 2001**

The Commissioner, CGST & C.X.,)
Gandhinagar Commissionerate)....Applicant

IN THE MATTER BETWEEN :

B.I.F.R.)....Petitioner
V/s.

M/s.Gandhinagar Electronics Ltd.)
(previously known as M/s.Shaw Wallace)
Electronics Ltd.))....Respondent

Mr.Swapnil V.Walve i/by Sham V.Walve for the applicant.
[Mr.Noor Shergill, Assistant Official Liquidator present]

**CORAM : K.R.SHRIRAM,J
DATE : 24.4.2018**

P.C.:-

1 Though in the prayer clause, the applicant is seeking leave under section 446 of the Companies Act 1956 and also to condone the delay of 4 years and 84 days in lodging the proof of debt with the Official Liquidator, counsel appearing for the applicant candidly stated that in the application there is no mention of any suit or other legal proceedings pending or proposed to be commenced, that would fall under the expression “suit or other legal proceedings” used in section 446 of the Companies Act 1956. Counsel also submitted that

from the affidavit in support, it only appears that the applicant had passed certain orders against the company in liquidation and imposed certain penalty and the applicant only seeks leave to lodge its claim with the Official Liquidator by condoning delay to recover penalty amount.

2 Counsel states that therefore, only prayer clauses-(b) and (c) will be relevant and not prayer clause-(a).

3 In the circumstances, having heard the counsel for the applicant and since Mr.Noor Shergill, Assistant Official Liquidator has no objection, the application is allowed in terms of prayer clauses-(b) and (c) which read as under :-

“(b) That this Hon'ble Court be pleased to condone the delay of 4 years, 84 days in filing/lodging the proof of debt with office of Official Liquidator thereby directing office of Official Liquidator to take the same on record ;

(c) That this Hon'ble Court be pleased to direct the Official Liquidator of M/s.Gandhinagar Electronics Ltd. (Previously known as M/s.Shaw Wallace Electronics Ltd., and before that known as M/s.Cauvery Electronics Ltd. situated at A-12/13/14, GIDC Electronic Estate, Gandhinagar to adjudicate the claim of the Applicant in accordance with law.”

4 Official Liquidator to consider the affidavit of proof of debt
in accordance with law.

Application accordingly, disposed.

(K.R.SHRIRAM,J)