

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

**COMPANY APPLICATION NO. 670 OF 2017  
IN  
COMPANY PETITION NO. 471 OF 2012**

Invent Assets Securitization and  
Reconstruction Private Limited

.. Applicant

***In the matter between :***

State Board of Hyderabad

.. Petitioner

Vs.

M/s. Twilight Litaka Pharma Limited  
& Anr.

.. Respondents

Mr. Jitendra G. Shukla a/w. Ms. Ranjita Shinde for applicant.

Mr.Noor Shergil, Assistant official liquidator present.

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

**DATE : 13<sup>TH</sup> MARCH 2018**

**P.C.**

1 Heard the counsel and also considered the affidavit in support. In the affidavit in support, it is stated that applicant was required to file its claim on or before 15<sup>th</sup> June 2015 but the claim came to be filed only on 27<sup>th</sup> August 2017 and the reason for this two years plus delay is due to inadvertence and through oversight. That cannot be a reason for a corporate like the applicant which has a huge team of legal officers to follow up with legal proceedings. Shri Shukla appearing for applicant, across the bar, stated that the company had preferred an appeal which

appeal came to be dismissed in November 2015. But that is not a reason given in the affidavit in support. Simply making reference about an appeal which was filed and about its dismissal cannot be accepted as a reason for not filing the claim. The deponent of the affidavit has not stated that as the appeal was pending, the affidavit of proof of debt was not filed earlier. The counsel cannot state what is not there in the affidavit in support. In any event, there is also no explanation for the period between November 2015 and August 2017 except to say inadvertence and through oversight.

2 Be that as it may, the application can be allowed but applicant is to be put to terms. This application is allowed in terms of prayer clauses (a), (b) and (c). Applicant to pay a sum of Rs. 50,000/- as costs to the office of the official liquidator.

3 The official liquidator, upon receiving this payment, to consider the affidavit of proof of debt in accordance with law.

4 The company application disposed.

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