

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

**COMPANY APPLICATION NO.661 OF 2017
IN
COMPANY PETITION NO.536 OF 2003**

State Bank of India)....Applicant

IN THE MATTER BETWEEN :

Claridges Travels Private Limited)....Petitioner
V/s.

The Official Liquidator of Radiant)
Shipping Limited (in Liqn.))....Respondent

Mr.Ankit Lohia i/by I.C.Legal for the applicant.
Mr.Pola Raghunath-Deputy Official Liquidator present.

**CORAM : K.R.SHRIRAM,J
DATE : 29.1.2018**

P.C.:-

1 Deputy Official Liquidator has filed an affidavit in reply dated 23.1.2018. Deputy Official Liquidator also submits that per se they do not have objection but the applicant having filed an affidavit of proof of debt with the Official Liquidator only in August-2017 when the applicant has obtained decree in 2015, liquidator has not considered proof of debts because applicant has not filed any order passed by this court condoning delay. Deputy Official Liquidator also submits that if court is inclined to condone the delay, Official Liquidator will consider the claim of the applicant and pass necessary

adjudication order within two weeks from today.

2 Mr.Lohia for the applicant states that the applicant did not file proof of debts earlier because in DRT proceedings, Official Liquidator was the respondent and the decree was inter alia against the Official Liquidator to make the payment. Only in 2017 when they were told notwithstanding decree, applicant will have to file affidavit of proof of debts, the applicant filed. Mr.Lohia states that if court insist, they will file company application but that will delay the entire process. I see sense in what Mr.Lohia states.

3 In the circumstances, delay is condoned. Official Liquidator to consider the affidavit of proof of debts filed by the applicant and dispose the same in accordance with law.

4 In view of this direction given to Official Liquidator, Mr.Lohia seeks leave to withdraw the application. Application dismissed as withdrawn.

(K.R.SHRIRAM,J)