

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

**COMPANY APPLICATION NO.8 OF 2018
in
COMPANY PETITION NO.602 OF 2013**

Commissioner of CGST & Central Excise
Belapur Commissionerate ... Applicant

IN THE MATTER BETWEEN

The Bank of New York Mellon London Branch
.. Petitioner

Vs.

Micro Technologies (India) Ltd
(In liquidation) .. Respondent

Mr.Jitendra Mishra for Applicant
Mr.Vaibhav Wali with Mr,.Sachit Kumar
I/b Juris Corpn for Original Petitioner
Mr.Mahendhar Aithe Company Prosecutor
for Official Liquidator present

**CORAM : K.R.SHRIRAM, J.
DATE : 6TH MARCH, 2018.**

P.C.:

1. Mr.Mishra for the Applicant, relying upon a judgment of Five Judge Bench of the Hon'ble Supreme Court of India in **S.V.Kondaskar versus V.M.Deshpande Income Tax Officer** reported in **1972 (1) SCC 438** submitted that the adjudication

proceedings in respect of the three show cause notices issued to the respondent-company (in liquidation) would not come under the definition of “Other legal proceedings” provided in section 446 (1) of the Companies Act, 1956. Mr.Mishra submitted that the application be accordingly disposed. Mr.Mishra states that the Applicant will give notice to the ex-Directors of the company to answer the show cause notices.

Application accordingly disposed of.

(K.R.SHRIRAM, J.)

