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

COMPANY APPLICATION NO.201 OF 2019
IN
COMPANY PETITION NO.189 OF 2016

Swan Industries Pvt. Ltd ...Applicant

IN THE MATTER BETWEEN :

Parth Foils Pvt. Ltd. ...Petitioner

V/s.
Surya Exim Ltd. ...Respondent

Mr.Vishal Pattabiraman i/b M/s.RVJ Associates for the Applicant.

Mr.Jinal Rathi I/b Mr.Rahul Karnik for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 12TH DECEMBER, 2019.

P.C. :-

1. Learned counsel appearing for the applicant states that prayer clauses (A) and (B) do not survive today. Statement is accepted.

2. Insofar as prayer clause (C) is concerned, it is not in dispute that the applicant has already filed an affidavit of debt before the Official Liquidator. Winding up order passed by this Court is not yet recalled. If any application for recall is filed, public notice would be issued at that stage. It is for the applicant to decide whether to seek impleadment in the company petition at that stage or not. I am not inclined to grant prayer clause (c) at this stage.

3. The company application is disposed of. If any application is filed by the petitioner for recall of the order of winding up before this Court, an advance notice shall be issued upon the applicant in that company application.

(R.D. DHANUKA, J.)