

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

COMPANY APPLICATION NO.568 OF 2018

IN

COMPANY PETITION NO.128 OF 2011

The State Trading Corporation of India Ltd.Applicant

Vs.

Masumi Overseas Pvt. Ltd.Respondent

Ms. S.I. Shah for applicant.

Mr. Harihar Bhavé a/w. Ms. Rupa Bhavé i/b. Bhavé and Company for respondent.

Mr. Mahendhar Aithe, Company Prosecutor for Official Liquidator present.

CORAM : K.R.SHRIRAM, J.

DATE : 19th JUNE 2019

P.C.:

1 Ms. Shah states that the suit had already been commenced even before the petition was admitted and Official Liquidator was appointed as Provisional Liquidator.

2 Therefore, as held in *Olympus Superstructures Pvt. Ltd. V/s. Meena Vijay Khetan and Anr.*¹ in my opinion, no leave is required as final winding up order has not been passed and proceedings have been commenced even before the petition was admitted and Provisional Liquidator appointed.

3 Company application accordingly stands disposed.

(K.R. SHRIRAM, J.)

1. 1998 SCC Online Bom 757