

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****INTERIM APPLICATION NO. 1 OF 2019****IN****COMPANY PETITION NO. 166 OF 2002****Modi Rubber Limited****..... Applicant****IN THE MATTER BETWEEN****Board of Industrial & Financial
Reconstruction****..... Petitioner****VERSUS****The Official Liquidator of
M/s.Modistone Limited (in Liqn.)****..... Respondent**

Mr.Mustafa Doctor, Senior Advocate, a/w. Mr.Ashish Kamath,
Mr.Ashutosh Khaitan, Mr.Kanishk V. Shah, i/b. M/s.Khaitan & Khaitan
for the Applicant.

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

CORAM : R.D. DHANUKA, J.**DATE : 28th NOVEMBER, 2019****P.C.**

By this interim application, the applicant seeks condonation of delay of 5,272 days in filing of the proof of debt by the applicant.

2. The delay is sought to be explained in paragraphs 5.2 to 5.10 of the affidavit in support. Delay is not sufficiently explained. In view of the fact the delay is substantial, company application is made absolute in terms of prayer clauses (a) and (b) on the condition that the applicant pays cost of Rs. 1 lac within two weeks from today to the Office of the

Official Liquidator.

3. Insofar as merits of the affidavit of proof of debt is concerned, the same would be considered by the Official Liquidator on its own merits.

[R.D.DHANUKA, J.]