

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

**COMPANY APPLICATION NO. 247 OF 2019
IN
COMPANY PETITION NO. 279 OF 2009**

Regional Provident Fund Commissioner, EPFO ... Applicant

In the matter between

L and T Finance Limited

... Petitioner

Versus

The Official Liquidator

... Respondent

Mr. Suresh Kumar for the Applicant.

Mr. Imran Siddiqui, Deputy Official Liquidator, present.

CORAM : R.I. CHAGLA, J.

DATED : 27th SEPTEMBER, 2019.

P.C. :

1 This Company Application is taken out for condonation of delay of 695 days for filing the claim with the Official Liquidator which was filed on 05.08.2015. The Deputy Official Liquidator is present and states that the claim was to be lodged with the Official Liquidator on 10.09.2013.

2 The learned Counsel for the Applicant states that the claim which is lodged is in respect of the provident fund dues which have to be

paid in preference to all the secure creditors. It is stated in the affidavit in support of the application that the Applicant was not aware of the Company being in liquidation and no sooner the Petitioner become aware, the claim was filed. It is stated that the delay is not intentional or deliberate. The delay was due to administrative reasons as the file was in process in the department and then opinion was sought for filing the application and thereafter the file sent to the Advocate.

3 Considering that the claims were lodged with the Official Liquidator on 10.09.2013 and for which public notice had been given, the reason for the Applicant not being aware that the Company is in liquidation and/or that the Petitioner became aware when the claim was filed is an unsatisfactory reason.

4 Further, the administrative reasons as the file being in the process in the department and thereafter opinion having been sought for filing the application and file sent to the advocate, also appears to be unsatisfactory reasons for the delay in taking out this application.

5 Accordingly, in the interest of justice the application is being allowed by imposition of costs upon the Applicant in the sum of Rs.20,000/- payable to the Maharashtra State Legal Services Authority. Subject to payment of cost, the Company Application is allowed in terms of

prayer clause (a) and the Official Liquidator is directed to adjudicate the claim of the Applicant submitted vide affidavit dated 05.08.2019.

6 Time is granted of four weeks for the Applicant to pay the cost as directed above.

7 Company Application is accordingly disposed of.

(R.I. CHAGLA, J.)