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

COMPANY APPLICATION (LODGING) NO.301 OF 2019
IN
COMPANY PETITION NO.421 OF 2013

Muneesh D. Chadda ...Applicant

IN THE MATTER BETWEEN :

Ishani Electronics Pvt. Ltd. ...Petitioner
V/s.

Official Liquidator of ...Respondent
Birla Power Solutions Pvt. Ltd.

Mr.Devendra Tiwari i/b Law Chamber of Siddharth Murarka for the Applicant.

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

CORAM : R.D. DHANUKA, J.
DATE : 6TH FEBRUARY, 2020.

P.C. :-

1. The applicant seeks leave under section 446 (1) of the Companies Act, 1956 to pursue the pending complaint against the respondent company in liquidation before the City Civil Court, Mumbai.

2. Learned counsel appearing for the applicant undertakes that applicant would deposit a sum of Rs.50,000/- with the Official Liquidator within two weeks from today as an initial deposit and to pay further amount as and when demanded by the Official Liquidator for incurring the costs towards engaging advocates and other incidental costs to defend the proceedings. Undertaking is accepted.

Subject to payment of cost as directed aforesaid, the company application is made absolute in terms of prayer clause (a). Insofar as prayer clause (b) is concerned, the Official Liquidator is directed to submit a report and seek appropriate direction in this regard by impleading the Ex-Director of the respondent company in the said report.

3. The company application is disposed of in aforesaid terms. It is made clear that if the amount is not deposited by the applicant as undertaken before this Court, the order passed by this Court in terms of prayer clause (a) to stand vacated without further reference to Court.

(R.D. DHANUKA, J.)