

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****INTERIM APPLICATION NO. 1225 OF 2020****IN****COMPANY PETITION NO. 895 OF 1998**

Kashinath Sarjerao NikamApplicant

In The Matter Between

Rasiklal S. MardiaPetitioner

V/s.

The Official Liquidator of Amar Dye
Chem Ltd. (In Liquidation)Respondent

ALONGWITH**INTERIM APPLICATION NO. 503 OF 2020****IN****COMPANY PETITION NO. 895 OF 1998**

Hemlata Ashok PawarApplicant

In The Matter Between

Rasiklal S. MardiaPetitioner

V/s.

The Official Liquidator of Amar Dye
Chem Ltd. (In Liquidation)Respondent

ALONGWITH**INTERIM APPLICATION NO. 1200 OF 2020****IN****COMPANY PETITION NO. 895 OF 1998**

Surekha Bhaskar PatilApplicant

In The Matter Between

Rasiklal S. MardiaPetitioner

V/s.

The Official Liquidator of Amar Dye
Chem Ltd. (In Liquidation)

....Respondent

Ms. Namrata Shenoy for Applicant (In All Applications).
Mr. Mahendhar Aithe, Company Prosecutor present.

CORAM : K.R.SHRIRAM, J.
DATED : 9th MARCH 2021.

P.C. :

1. Mr. Aithe, Company Prosecutor states that the company is now out of liquidation pursuant to the scheme which was upheld by the court on 16th and 17th November, 2019. Mr. Aithe states that company has to be heard before the affidavit of proof of debt of applicant is adjudicated and before the delay is condoned. The applicant is a workman. It is true that there has been delay of 17 years and 9 months. At the same time, since the applicant is a workman, I am inclined to condone the delay. At the same time, it is clarified that before the official liquidator passes an order of adjudication, he shall give notice to the company and hear company as well.

2. Ms. Namrata Shenoy states that she will also, within two weeks from today, file further affidavit in support of the affidavit of proof of debt endorsed by the Chief Translator and Interpreter of this court since it appears from the application that applicant does not know English language.

3. Official Liquidator to pass such orders as required in accordance with law. If it is adjudicated that amounts are payable to these applicants, the official liquidator to call upon the company to deposit those amounts and the company shall deposit those amounts within four weeks from receiving communication from the office of official liquidator.

4. Interim Applications stand disposed.

**INTERIM APPLICATION NO. 996 OF 2020
IN
COMPANY PETITION NO. 895 OF 1998**

Rajendra Manohar MhatreApplicant

In The Matter Between

Rasiklal S. MardiaPetitioner

V/s.

The Official Liquidator of Amar Dye
Chem Ltd. (In Liquidation)Respondent

1. Mr. Aithe, Company Prosecutor states that the company is now out of liquidation pursuant to the scheme which was upheld by the court on 16th and 17th November, 2019. Mr. Aithe states that company has to be heard before the affidavit of proof of debt of applicant is adjudicated and before the delay is condoned. The applicant is a workman. It is true that there has been delay of 17 years and 9 months. At the same time, since the applicant is a workman, I am inclined to condone the delay. At the same time, it is clarified that before the official liquidator passes an order of

adjudication, he shall give notice to the company and hear company as well.

2. Official Liquidator to pass such orders as required in accordance with law. If it is adjudicated that amounts are payable to these applicants, the official liquidator to call upon the company to deposit those amounts and the company shall deposit those amounts within four weeks from receiving communication from the office of official liquidator.

3. Interim Application stands disposed.

(K.R. SHRIRAM, J.)