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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2759 OF 2021

Shivnarayan S Joshi	...Petitioner
<i>Versus</i>	
Official Liquidator and Another	...Respondents

Mr Prakash K Pandya, for the Petitioner.
Mr Shanay Shah, for the Official Liquidator.
Mr Ashish Mehta, with Prasanjit Mitra i/b Ethar Legal Alliance, for
Respondent No 2.

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 7th December 2021

PC:-

1. There is an Affidavit in Reply filed on behalf of Respondent No 2 – the Registrar of Companies. It is reported that in the ROC records three charges in the amounts of Rs 19 lacs, Rs 2 lacs and Rs 8 lacs are still shown as outstanding with creation dates of 2nd July 1992, 1st October 1987, and 31st July 1997 respectively. At page 6 of the Affidavit, it is disclosed that the charge holder in all three cases is the erstwhile Dena Bank. The ROC has ambitiously written to Dena Bank for a confirmation in the fond hope that it will get a reply. Of course it has not.

2. We do not propose to wait for a document that will never come. The reason is that a No Dues Certificate of Dena Bank is already in hand. A copy is annexed at page 60 of the Petition. It is dated 2nd September 2013 addressed to Sangita Prints, a division of the Petitioner. The Dena Bank No Dues Certificate has the rubber stamp of the bank and the signature of Chief Manager of the Vile Parle (West) branch. It states that the company has closed Current Account No 126193 in the name of Sangita Prints, its division, with effect from 15th June 2007. It clarifies that no dues are pending against the company in respect of the term loans taken by the company for Rs 2 lacs, Rs 19 lacs and Rs 8 lacs. These amounts exactly tally with the charges shown as open in the ROC records.

3. Consequently, there is now no impediment to the ROC updating its records inter alia on the basis of filings made on the record of this Court, and which show that there are no charges against the company. Once this is done, Mr Shah states that the Official Liquidator, Respondent No ,1 will proceed with the process of voluntary liquidation/winding up.

4. The Registrar of Companies will update the records to show the charges as closed, acting on this order, by 17th December 2021.

5. Mr Shah fairly states that no formal NOC is required from the ROC. The liquidator will proceed on the basis of this order. The Petitioner will file the necessary forms.

6. We clarify that since the company is in liquidation and cannot complete e-filing, the Petitioner will submit the necessary forms in physical copy and the ROC will accept these.
7. All concerned will act on production of a digitally signed copy of this order.
8. The Petition stands disposed of with these directions.

(Madhav J. Jamdar, J)

(G. S. Patel, J)