

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.9462 OF 2021
IN
COMPANY PETITION NO.391 OF 2015**

Sachin Joshi (Ex Director- Vandana
Infrastructure Pvt. Ltd.

.....Applicant

In the matter between

The Greater Mumbai Co-operative Bank Ltd. & Anr.

....Petitioner

Vs.

Vandana Infrastructure Pvt Ltd.

....Respondent

Ms. Madhavi Nalluri a/w. Ms. Neha Patil i/b. Akshay Vijay Kamble for applicant.

Ms. Apurva Sanglikar i/b. Raval-Shah and Co. for petitioner.

Mr. Aditya Pimple, Advocate for official liquidator.

Mr. Mahendhar Aithe, Company Prosecutor present.

CORAM : K.R. SHRIRAM, J.

DATED : 2nd JULY 2021

PC. :

1 Mr. Pimple states, the Official Liquidator, pursuant to order dated 11th June 2021, gave notice in Free Press Journal and Navshakti on 16th June 2021 and 17th June 2021, respectively and 14 days period expired on 1st July 2021. Mr. Pimple states that the Official Liquidator has not received any objection or claim pursuant to the said notice. At the same time, Mr. Pimple states that on 14th April 2018, the office of the Official Liquidator received a communication from the Assistant Commissioner of Sales Tax, Thane,

informing the Official Liquidator that the department of Sales Tax has to recover a sum of Rs.32,71,015/- from the company in liquidation. Ms Nalluri for applicant states that applicant will deposit Rs.33,00,000/- by 12th July 2021 with the Official Liquidator towards the claim made by the department of Sales Tax, Government of Maharashtra, though according to applicant no amount is payable to the department of Sales Tax. Ms Nalluri states that this amount is being deposited without prejudice to the rights and contentions of applicant as well as the company. Ms Nalluri states that once the order of winding up is recalled, the company will take up the matter with the department of Sales Tax, in accordance with law.

2 In view of the undertaking given above, the order dated 5th January 2018 winding up the company stands recalled. It is made clear that this order will come into effect and the Official Liquidator also will stand discharged only upon applicant depositing Rs.33,00,000/- towards the claim of the department of Sales Tax and a sum of Rs.2,00,000/- towards expenses incurred by the office of the Official Liquidator.

3 Upon receiving these amounts, the Official Liquidator shall hand over the possession of the company, though company has not taken steps to file the statement of affairs as required under Section 454 of the Companies Act 1956 within the time prescribed. Since the order of winding up is recalled, this court is not directing any action be taken against the Ex-Directors of the company in liquidation.

4 Interim application accordingly stands disposed.

- 5 Company Petition also stands disposed.
- 6 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)