

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

COMPANY PETITION NO. 22 OF 2015

(Super Sonic Carrier Private Limited ..vs.. Facor Steels Limited)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. H.R. Gadhia, Counsel for the petitioner,
Mr. Anjan De, Counsel for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 24-02-2021

The petitioner has placed on record an affidavit,
which reads thus :

“The petitioner above-named most humbly and
respectfully begs to submit as under :

“1. By the present petition the petitioner had sought winding up of the respondent company u/s. 433 r/w. Section 433(1)(a) of the Companies Act, 1956.

2. Notices were issued to the respondent by this Hon'ble Court vide order dated 19-6-2015.

3. Respondent appeared in the present petition through its counsel.

4. During pendency of this petition, Insolvency & Bankruptcy Code, 2016 came to be enacted. In pursuance of the said Code, the respondent company came to be liquidated u/s. 33(1)(b) of the Insolvency & Bankruptcy Code, 2016 by an order dated 26-6-2018 of the National Company Law Tribunal, Mumbai in MA No.631/2017 and MA No. 574/2018 in CP No. 18/I&BP/NCLT/MAH/2017. Accordingly, one Mr. Sunil Gajanan Nanal came to be appointed as a Liquidator for the respondent company. Form B of

the public announcement for attention of the stakeholder of respondent company as per Regulation 12 of the Insolvency & Bankruptcy Board of India (Liquidator Process) Regulations, 2018 shall also reveal the name and details of the liquidator.

*5. The petitioner submitted its statement of claim in Form C Schedule II under Regulation 17 of the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2018 before the Liquidator, Sunil Gajanan Nanal. Copy of the same is enclosed herewith as **ANNEXURE-A1**.*

*6. The said liquidator vide his e-mail dated 9-10-2018 verified and admitted the claim statement submitted at the behest of the petitioner company for an amount of Rs.25,02,239/- and added the same to the list of operational creditors. A copy of the said e-mail dated 9-10-2018 is filed herewith as **ANNEXURE-A2**.*

7. The petitioner submits that, in the event the present winding up petition and proceedings are transferred to the NCLT, Mumbai the petitioner shall follow-up with the same by engaging an Advocate of Mumbai to prosecute its claim of Rs.25,02,239/-."

2. In view of the developments, nothing survives in Company Petition 22/2015, particularly since the Resolution professional has informed the petitioner that the claim submitted by the petitioner has been added to the list of operational creditors. The petition is disposed of.

JUDGE

adgokar