

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

CIVIL APPLICATION (CAO) NO. 625/2021 IN OFFICIAL LIQUIDATOR REPORT NO.
09/2007 IN COMPANY PETITION NO. 05/2001

In the matter of M/s Akola Oil Industries Vs. Shri Ashok V. Birla and others.

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri K.S. Reddy, Official Liquidator.
 Ms Radhika G. Bajaj, Advocate for applicant.
 Shri A.M. Ghare, Advocate for Workers Association.
 Shri Amol B. Patil, Advocate for the applicant in CAL 7/2016.
 Shri M. Anilkumar, Advocate for respondent No.2 in CAL No.7/2016

CORAM : S.M. MODAK, J.

DATE : 08/10/2021.

The learned Advocate Court Commissioner is appointed as the report submitted by the Chartered Accountant mentions that there is no case for misfeasance. That the report is objected by the Workers Organization as well as Secured Creditors. That is how on the Official Liquidator Report No. 09/2007, this court was pleased to appoint the learned Advocate as a Court Commissioner.

The learned Court Commissioner started recording the evidence of Chartered Accountant. Yet it is not complete. The learned Advocate for the Worker Association filed no instruction pursis before the learned Court Commissioner. The copies are annexed. That is why the direction is sought by the learned Court Commissioner.

The State Bank of India is one of the secured creditors and even they have challenged the report given by the Chartered Accountant. They have also cross-examined the Chartered Accountant. If their cross-examination is not complete, they are at liberty to conduct the remaining cross-examination.

As the learned Advocate for the Workers Union has filed the Pursis before the learned Court Commissioner, she is at liberty to proceed further in the job of recording the evidence as per the law. In spite of sending a letter by learned Advocate to the Workers Union, if they are not appearing, the learned Court Commissioner to proceed further as per the law. Prior to that learned Court Commissioner to verify whether the letter sent to Workers Union is received or not.

Civil Application is disposed of.

JUDGE