

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

**INTERIM APPLICATION NO.4604 OF 2022**  
**IN**  
**COMPANY PETITION NO.07 OF 2014**

|                                                                           |               |
|---------------------------------------------------------------------------|---------------|
| Sunil J Malhotra                                                          | ...Applicant  |
| <i>In the matter between</i>                                              |               |
| Shrem Hallmark Alloys Private Limited                                     | ...Petitioner |
| vs.                                                                       |               |
| Official Liquidator of M/s. Hallmark Steels<br>Private Limited (In Liqn.) | ...Respondent |

Ms. Palak Ranka, for the Applicant  
Mr. Huzefa Khokawala i/b. Nankani & Associates, for Ori. Petitioner.  
Ms. Sneha Goyal, for the Official Liquidator.  
Mr. Shatrughan Chauhan, Dy. Official Liquidator present.

**CORAM : N. J. JAMADAR, J.**  
**DATE : OCTOBER 19, 2022**

**P.C.:**

1. Heard the learned counsel for the parties.
2. At the outset, learned counsel for the applicant seeks leave to amend the prayer clause so as to correct the date of order.
3. Leave granted.
4. Necessary amendment be carried out forthwith.
5. This Interim Application is taken out to permanently stay the winding up order dated 13<sup>th</sup> April, 2017 and the consequential reliefs.
6. By an order dated 21<sup>st</sup> July, 2022 this Court had directed the Official Liquidator to publish a notice inviting claims in respect of

M/s. Hallmark Steel Private Limited (In Liqn.).

7. A compliance report is filed by the Official Liquidator. The Court is informed that the Official Liquidator had published the notice inviting claims against the company in liquidation in Free Press Journal (English) and Navshakti (Marathi) on 29<sup>th</sup> July, 2022. The last date for receiving the claims was 13<sup>th</sup> August, 2022. No claim had been received pursuant to the notice dated 29<sup>th</sup> July, 2022.

8. The compliance report further indicates that on 24<sup>th</sup> January, 2020 Tata Capital Financial Services Limited had lodged claim of Rs. 6 ,81,99,792/-. However, by a subsequent communication dated 21<sup>st</sup> February, 2022 Tata Capital Financial Srvices Limited withdrew the said claim as it stood settled. The copies of the notice and the communication received from the advocates for Tata Capital Financial Services Limited are annexed to the said report.

9. By an order dated 21<sup>st</sup> September, 2022 the applicant was directed to give notice to the counsel for the petitioner in the Company Petition as none had appeared on that day despite service of the notice on the petitioner.

10. Mr. Khokawala, learned counsel for the petitioner submits that the petitioner has no objection to grant the prayers in the application.

11. Evidently, no claim has been received against the company in liquidation. The petitioner has also no objection to grant the reliefs in the instant application.
12. In view of above, the winding up order dated 13<sup>th</sup> April, 2017 stands set aside subject to the payment of the liquidation charges/costs by the applicant.
13. The Official Liquidator is permitted to pay a sum of Rs. 13,356/- to Popular Publicity & Advertising (India) Private Limited through which notices were published pursuant to an order dated 21<sup>st</sup> July, 2022, out of the amount of Rs. 30,000/- deposited by the applicant.
14. If any amount remains after accounting for the liquidator's expenses and costs, the balance amount be repaid to the applicant.
15. Interim Application disposed in terms of prayer clause (a) and (b).

**(N. J. JAMADAR, J.)**