

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO. 20234 OF 2021

IN

COMPANY PETITION NO. 232 OF 2004

Lalit Tapuriah Ex-Director ... Applicant
of Marvel Industries Ltd.

vs.

J. Maheshkumar Petrochemicals ... Respondent
Pvt. Ltd. and 2 Ors.

WITH

INTERIM APPLICATION NO. 3258 OF 2021

IN

COMPANY PETITION NO. 232 OF 2004

Atmaram Balkrishna Zankar ... Applicant

vs.

J. Maheshkumar Petrochemicals ... Respondent
Pvt. Ltd. and 2 Ors.

Mr. Prathamesh Kamat a/w. Mr. Kingston D'souza for the Applicant.

Ms. Molina P. Thakur for the Applicant in IA/3258/2021.

Mr. Mahendhar Aithe Company Prosecutor present.

Mr. U. L Shah i/b. S.B. Kotak & Co. for the Original Petitioner.

CORAM : A. K. MENON, J.

DATED : 20th APRIL, 2022

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P.C. :

1. By this application a former director of the company in liquidation seeks recall of the order of winding up. The Official Liquidator was appointed on 3rd February, 2012. He has since taken steps and it is stated that statement of affairs has been filed by the former director.

2. Mr. Kamat submits that there have been claims from workers which have all been secured. Ms. Thakur on the other hand pointed out that Interim Application No. 3258 of 2021 is pending and in that Interim Application the applicant is representing the interest of the workmen. Large number of workmen are involved. All these workers are said to have filed their claims albeit with some delay. She seeks condonation of delay of 170 days in filing the case and also seeks a direction for re-adjudication of the claims.

3. Mr Kamat has no objection to that course of action. He further submits that in order to enable the liquidator to proceed with re-adjudication of the claim, further process in winding up may be stayed. That is a reasonable request. It is also pointed out that the claim of the petitioning creditor has been settled, a fact that has been confirmed by the learned counsel for the petitioner. In view thereof I pass the following order :

(i) Interim Application No. 3258 of 2021 is made absolute in terms of prayer clause (a) and (b).

(ii) Liquidator shall proceed to re-adjudicate the claims. Mr. Aithe states that the re-adjudication process will be completed within three weeks from today.

(iii) Interim Application No. 3258 of 2021 is disposed in the above terms.

(iv) In the meanwhile there will be ad-interim order in terms of prayer clause (b) and (c) of Interim Application (L) No. 20234 of 2021 to the exclusion of the bracketed portion in bold font which reads as follows:

(b) In furtherance to prayer clause (a), this Hon'ble Court be pleased to [permanently] stay the winding up Order dated 3rd February 2012 (Exhibit – C1 & D1 hereto) passed by this Hon'ble Court in Company Petition No. 232 of 2004 and Company Petition No. 606 of 2009.

(c) Pending hearing and final disposal of this Interim Application, this Hon'ble Court be pleased to order and direct the Official Liquidator to refrain from taking any further steps, directly or indirectly, in furtherance to the Order dated 3rd February, 2012 (Exhibit –C1 & D1 hereto) and in respect of liquidation of the Respondent No. 1 Company and/or any incidental actions in respect thereof.

(v) List Interim Application (L) no. 20234 of 2021 on 8th June, 2022.

(A. K. MENON, J.)