

Sayali Upasani

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

OFFICIAL LIQUIDATOR REPORT NO.99 OF 2022

IN

COMPANY PETITION NO.200 OF 2014

In the matter of Companies Act, 1956

And

**In the matter of Shree Marathwada Paper Mills Pvt. Ltd (In
Liquidation)**

SICOM LTD

...Petitioner

Mr. Rohan Rajadhyaksha A/W Mr. Dhirajkumar Totala, Mr.
Asadulla Thangal, Ms. Praneeta R. i/b AZB & Partners,
for SICOM Ltd-Petitioner.

Mr. Sunil Kadam, for MSFC.

Mr. Mahendhar Aithe, Company Prosecutor, for Official
Liquidator.

Mr. Shanay Shah, for Official Liquidator.

CORAM: N. J. JAMADAR, J.

DATED : 24th August, 2022

PC:-

1. Heard the learned Counsel for the Official Liquidator and
the learned Counsel for the SICOM Ltd, the Original Petitioner.

2. The Official Liquidator has taken out this report for the
following reliefs-

“a) In view of para (21) whether this Hon’ble Court would
be pleased to permit Mr. Ashok Patil, Ex-Managing Director of
the Company (In Liqn.)/or Advocate appointed by him to act,
appear and plead on behalf of the Official Liquidator at his own
cost in MCA No.477 of 2022 filed by SICOM and MSFC before
the Hon’ble District Court at Pune for challenging the Award
dated 11.7.2019, passed in favour of the company in
liquidation.”

3. An affidavit-in-reply is filed on behalf the original Petitioner. The principal objection on behalf of the original petitioner seems to be to the alleged representation of the company (in liquidation) by Mr. Ashok Patil, the Ex-Managing Director of the Company (in liquidation) without being authorized by the Official Liquidator.

4. It would be superfluous to delve deep into the allegations and the counter allegations as regards the conduct of Mr. Ashok Patil. Indisputably the interest of the company (in liquidation) is required to be adequately protected in the proceedings which bear upon the assets of the company (in liquidation).

5. In view of the above, the Official Liquidator is permitted to appoint an Advocate on behalf of the Official Liquidator in MCA No. 477 of 2022, filed by the SICOM and MCA No.127 of 2021, filed by the MSFC before the District Court at Pune, challenging the Award dated 11th July, 2019, passed in favour of the company (in liquidation).

6. For the present, the costs of litigation shall be the costs in liquidation.

7. The Official Liquidator's report stands disposed.

[N. J. JAMADAR, J.]