

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

INTERIM APPLICATION NO.142 OF 2022
IN
COMPANY PETITION NO.336 of 2010

4G Security Safety & Manpower Services LLP ...Applicant

In the matter between

Maharashtra Agro Industries Development
Corporation Limited ...Petitioner

vs.

The Official Liquidator of M/s. Alliance Agro
Industries Limited (In Liqn.) ...Respondents

Ms. Molina Thakur, for the Applicant.
Dr. Sneha Goyal, for the Official Liquidator.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 07, 2022

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred seeking direction to the Official Liquidator to pay the outstanding security charges of Rs. 34,32,870/- for securing the premises of M/s. Alliance Agro Industries Limited, the company in liquidation.
3. On 19th October, 2022 when this matter was listed, the learned counsel for the Official Liquidator submitted that there are no funds to the credit of the account of the company in liquidation to pay the security charges, however, the petitioner in Company Petition No. 336 of 2010 namely Maharashtra Agro Industries Development

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Corporation Ltd. had shown willingness to pay the security charges if the Court so directs. Attention of the Court was invited to the copy of the Minutes of the Meeting held on 10th November, 2017 in support of the said submission. Thereupon, this Court directed issue of notice to the petitioner in Company Petition No. 336 of 2010. Liberty was granted to the Official Liquidator to serve the petitioner privately.

4. A service report is filed. It seems that notice has been served on the petitioner.

5. None appears for the petitioner.

6. The situation which thus obtains is that the applicant's claim for charges of the services rendered by him remains outstanding. The Official Liquidator for want of funds to the credit of the company in liquidation is not in a position to pay the amount towards the security charges. The Minutes of the Meeting dated 10th November, 2017 record that the Assistant Manager of the Petitioner company in Company Petition No. 336 of 2010 had made a statement that the petitioner was willing to pay the security charges subject to directions of the Court.

7. In the circumstances, it would appropriate to grant liberty to the Official Liquidator to call upon the petitioner, in company petition, to deposit a sum of Rs. 34,32,870/- towards the security

charges with the Official Liquidator and, in the event such deposit is made, remit the said amount to the applicant.

8. In the event, the petitioner, in Company Petition No. 336 of 2010, does not deposit the said account, the applicant would be at liberty to pursue the remedies as available in law.

9. Application stands disposed.

(N. J. JAMADAR, J.)