

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

OFFICIAL LIQUIDATOR REPORT (OLR) NO.13/2021
IN
COMPANY PETITION NO.13/2009

In the matter of M/s Anubhav Grihanirman Limited (in Liqn.)

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

Court's or Judge's Orders

Shri Anjan De, Advocate with Shri K.S. Reddy, Advocate for Official
Liquidator

CORAM : S.M. MODAK, J.
DATE : 16/06/2022

Heard learned Advocate Shri De for Official Liquidator.

2. The Official Liquidator could not file misfeasance proceedings under Sections 542 and 543 of the Companies Act during initial period of five years and during extended period of one year from winding up order. The winding up order was passed on 11/12/2009. Official Liquidator could not come to a conclusion as to who has committed the acts as laid down under Section 543(1) of the Companies Act for want of accounts.

3. Earlier there is a proceedings filed under Section 454 (5) of the Companies Act against the ex-director for not submitting statement of affairs without reasonable excuse. This was Official Liquidator Report No.04/2013. However it was withdrawn on 06/09/2013. As proceedings to be instituted as mentioned in the present report has also time barred. The prayer Clause-A is allowed.

4. Application is disposed of.

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5. The Official Liquidator is permitted to pay the fees of the Counsel from Common Pool Fund, as it is submitted that there are no funds available in the account of Company in Liquidation.

R.S. Sahare

JUDGE