

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

O.L.R. NO.14/2021
IN
COMPANY PETITION NO. 01/2008

In the matter of M/s Adhunik Grihanirman Vittiya Corporation 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. It is true that as per the provisions of Sections 542 and 543 of the Companies Act, the Official Liquidator is entitled to file misfeasance proceedings against the person who has committed any of the acts mentioned in those Sections. For arriving at that conclusion, the books of accounts need to be scrutinized. By way of OLR No.16/2011, the Official Liquidator has sought permission of this Court to take possession of the books of accounts. Because they were in custody of C.I.D. Pune in a case arising out of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999. However that O.L.R. was withdrawn as per the order dated 30/03/2012.

2. Period of five years plus one year has already expired from the date of winding up from 03/10/2008. For some reasons or other books of accounts could not be scrutinized. Hence decision about filing of misfeasance proceedings could not be arrived. Hence filing of misfeasance proceedings is dispensed with.

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3. Fees be paid to learned advocate from the accounts of the Company with Official Liquidator.

COMPANY APPLICATION NO.12/2018

Not on board, taken on board as per the request of learned advocate Shri De.

1. Heard learned Advocate Shri De for Official Liquidator.
2. Summons is served on accused No.2. He has not appeared.
3. Issue bailable warrant of Rs.15,000/- to be executed to Superintendent of Police, Ratnagari kept returnable after 8 weeks.
4. Complainant to take steps for service on accused No.1.
5. Accused No.3 is dead. His name is deleted. Proceedings stands abated against him.

JUDGE

R.S. Sahare