

IN THE HIGH COURT OF JUDICATURE AT PATNA
COMPANY APPEAL(DB) No.4 of 2023

In
COMPANY PETITION No.5 of 1999

Central Bank of India a body corporate constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act V of 1970, having its Registered Office at Chander Mukhi, Nariman Point, Mumbai- 400021 and its Regional Office at Maurya Lok Complex, Patna- 800001, through one of its Branches situated at Exhibition Road Patna under Regional Office, Patna represented through Branch Manager, Main Branch, Exhibition Road Patna, P.S. Gandhi Maidan, District- Patna.

... .. Appellant/s

Versus

1. The Official Liquidator of Patna High Court for M/s Bihar State Small Industries Corporation Ltd. (Company under Liquidation)
2. Laxmi Devi Widow of Late Bachan Sao C/o Pratima Kumari Sinha, Mohalla- Indrapuri, P.O.- Dhelwan, Distt- patna- 800020.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. U.P. Singh, Sr. Advocate Mr. Nilanjan Chatterjee, Advocate Mr. Sahil Kumar, Advocate Mr. Anirvan Choudhari, Advocate Mr. Pulkit Ranjan, Advocate Mr. Ujjwal Raj, Advocate
For the O.L.	:	Mr. Gautam Kumar Kejriwal, Advocate Mr. Mukund Kumar, Advocate
For the respondent no. 2	:	Md. Abu Haider, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

8 04-12-2023 Heard I.A. No. 1 of 2023 in Company Appeal (DB) No. 4 of 2023. There is a delay of about 11 days in filing Company Appeal (DB) No. 4 of 2023. For the reasons stated in the application and affidavit read with Annexure-A/9 and A/10, we are satisfied with the cause shown to condone the delay.



Accordingly, I.A. No. 1 of 2023 stands allowed while condoning the delay in filing company appeal for about eleven days.

2. With the consent of learned counsel for the respective parties, the matter is taken up for final disposal.

3. I.A. No. 34 of 2022 with O.L.R. No. 20 of 2023 was decided by the learned Company Judge on 06.04.2023 and I.A. No. 33 of 2022 with O.L.R. No. 115 of 2022 was also decided on 10.11.2022.

4. The Appellant being the secured creditor should have been heard in the matter before deciding the aforementioned interlocutory applications by the Company Judge in Company Petition No. 5 of 1999. It is not disputed by the respective parties that secured creditor was required to be heard in the matter.

5. In view of these facts and circumstances, the impugned orders dated 10.01.2022/06.04.2023 passed in Company Petition No. 5 of 1999, I.A. No. 34 of 2022 with O.L.R. No. 115 of 2022 and I.A. No. 33 of 2022 with O.L.R. No. 20 of 2023 are set aside. Accordingly, the Company Appeal (DB) No. 4 of 2023 stands allowed. Pending interlocutory application, if any, stands disposed of. I.A. No. 33 of 2022 with O.L.R. No. 115 of 2022 and I.A. No. 34 of 2022 with O.L.R.



No. 20 of 2023 stands restored in Company Petition No. 5 of 1999 before the learned Company Judge to decide the aforementioned interlocutory applications afresh.

6. The appellant is hereby directed to co-operate in deciding the aforementioned applications before the learned Company Judge.

7. Respective parties are hereby directed to appear before the learned Company Judge on 21.12.2023.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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