

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 2386 OF 2023
IN
OFFICIAL LIQUIDATOR REPORT NO. 1 OF 2020**

In the matter of The
Companies Act, 1956;

And

In the matter of various
companies
(in voluntary liquidation)

In the matter between:

Halite Personal Care India Private Limited,
Through its voluntary liquidator

...

Applicant

v/s.

Official Liquidator

...

Respondent

Mr. Hemant Sethi a/w. Ms. Devanshi Sethi, i/b. Hemant Sethi & Co. for
applicant.

Mr. Ranjeev P. Carvalho for official liquidator.

Mr. Chandan Kumar, Official Liquidator.

CORAM : MANISH PITALE, J.

DATE : 13th OCTOBER, 2023

P.C. :

. By this application, the applicant seeks recall of the order dated
03.01.2020 passed in Official Liquidator Report No.1/2020 insofar as it
relates to the applicant.

2. In the said order, this Court directed as follows:

- ‘2. A perusal of the paragraph 13 of the report indicates that
these companies are not responding to the notices issued by
the Official Liquidator nor are providing sufficient

information/documents to the letters/notices issued by the Official Liquidator, Mumbai. The Official Liquidator is thus unable to proceed further in terms of section 497(6) of the Companies Act, 1956 for dissolution of the Companies. The Official Liquidator has also published a notice dated 21 December, 2019 in various newspapers described in paragraph (13) of the said report in respect of these 112 companies calling upon them to provide requisite information/documents. However there is no response to the public notices. A case is thus made out for grant of prayer clauses (a), (b) and (c).

3. Report is accordingly made absolute in terms of prayer clauses (a), (b) and (c).'

3. The learned counsel for the applicant contends that at the stage when the said order was passed, all the compliances had been ensured on behalf of the applicant to the voluntary liquidation, except for a No Dues Certificate from the Income Tax Department. It is further submitted that the applicant approached the Official Liquidator and sought to place on record all the necessary documents, including the aforesaid No Dues Certificate issued by the Income Tax Department. It is further brought to the notice of this Court that subsequently, by an order dated 13.01.2022, passed in Writ Petition No.3540 of 2019, the petition filed on behalf of the applicant, was allowed and the notice impugned therein was quashed and set aside.

4. Consequent thereto, by communication dated 14.04.2022, the Income Tax Department informed the applicant that there are no dues outstanding towards income tax. According to the applicant, the only remaining document is now available with the applicant and that the same can be placed before the Official Liquidator of this Court, if this Court grants permission. On this basis, it is submitted that this Court may grant the prayer for recall of the aforesaid order dated 03.01.2020, passed in Official

Liquidator Report No.1/2020, insofar as it relates to the applicant.

5. This Court has considered the material on record. The events that have occurred subsequent to the order dated 03.01.2020, passed by this Court, insofar as the applicant is concerned, indicate that all the documents demanded by the office of the official liquidator are available with the applicant and can be placed before the official liquidator, if the aforesaid order is recalled.

6. This Court is satisfied that sufficient material is brought to the notice of this Court, while seeking recall of the said order. It would be in the interest of justice to grant opportunity to the applicant to approach the official liquidator and to submit all the necessary documents for voluntary liquidation of the applicant.

7. In the light of the above, the application is allowed and the order dated 03.01.2020 passed in Official Liquidator Report No.1/2020 is recalled, insofar as M/s. Halite Personal Care India Private Limited is concerned (Sr. No.83 at Exhibit I to Official Liquidator Report No.1/2020).

8. The delay in producing the documents before the official liquidator is condoned. This Court is informed that all the necessary documents referred to hereinabove have been placed before the official liquidator.

9. The official liquidator shall examine/verify the said documents and take further necessary steps in the matter within eight weeks from today and submit an appropriate report before this Court within the said period of time.

10. The application stands disposed of.

(MANISH PITALE, J.)