

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

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**APPEAL NO. 537 OF 2019
IN
COMPANY PETITION NO. 118 OF 2014
ALONGWITH
NOTICE OF MOTION (L) NO. 412 OF 2019
IN
APPEAL NO. 537 OF 2019
ALONGWITH
NOTICE OF MOTION NO. 963 OF 2019
IN
APPEAL NO. 537 OF 2019**

D.G. Power And Infrastructure Private LimitedAppellant

V/s.

Kamlesh Mehta ...Respondent

Mr. Godbole, Senior Advocate a/w Mr. Rahul Hakani, Mr. Kirit Hakani,
Ms.Niyati Mankad, Mr. Vishesh Srivastav, Mr. Nikhil Waze for Appellant.
Mr. Akash Shah for Claimant/Creditor.
Dr. Sneha Goyal for Official Liquidator.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 22nd FEBRUARY 2023**

PC. :

1. On 15th February 2023 the statement of Mr. Godbole on instructions that there are no other creditors of the company in liquidation D.G. Power And Infrastructure Private Limited (DGPAIPL) and no one has lodged any claim, other than Petitioning-Creditor namely M/s. Dhanlaxmi Builders and Developers, was recorded. Mr. Godbole states an affidavit of Mr. Rajkumar Dharu affirmed on 17th February 2023 confirming the same will be filed in the Registry. We have considered a copy of the affidavit and

it provides that there is no claim by any creditor against DGPAIPL lodged before the Official Liquidator as on date.

2. On 16th October 2018 this court had, in this appeal, directed the Official Liquidator to publish a notice inviting objections which is normally published in the case of withdrawal of company petitions for winding up. Dr.Goyal for Official Liquidator states that such a notice was published on 4th November 2018 in Free Press Journal (English) and Navshakti (Marathi), of Mumbai editions, and in response to the notice, except the Petitioning-Creditor, nobody has lodged any claim or objection. In view of this statement made by Dr. Goyal on instructions from the Official Liquidator, which we accept, the order of winding up the company in liquidation - DGPAIPL is recalled. The said company is revived.

3. The undertaking of Mr. Godbole to pay all charges and expenses of Official Liquidator within two weeks of receiving a communication is accepted. D.G. Power and Infrastructure Private Limited shall also pay within two weeks from today a sum of Rs.50,000/- (Rupees Fifty Thousand Only) as cost to the Official Liquidator and that amount shall be deposited in the Common Pool Fund of the Official Liquidator.

4. Appeal accordingly disposed.

5. Consequently, all pending Interim Applications stand disposed.

6. All parties to act on authenticated copy of this order including Registrar of Companies and Ministry of Corporate Affairs.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)