

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
OFFICIAL LIQUIDATOR'S REPORT NO.5 OF 2024

In the matter of Companies Act,
1 of 1956
and
In the matter of Various Companies
(In Liquidation)

Mr. Ranjeev Carvalho for Official Liquidator.

Mr. Chandan Kumar, Official Liquidator.

CORAM : MANISH PITALE, J.
DATE : MARCH 15, 2024

P.C. :

. By order dated 19.01.2024, this Court had granted direction in terms of prayer clauses (a) and (b) of the present OLR. The official liquidator was granted liberty to file affidavit showing publication of dissolution notices and also as regards claims, objections and comments received, if any. Pursuant thereto, the official liquidator has placed on record the affidavit dated 13.02.2024 along with the proof of publication. It is also stated that despite publication of the said notice, no claims, objections or comments are received from any creditors, workers, stakeholders or shareholders.

2. In view of the above, the learned counsel appearing for the official liquidator submits that directions may be granted in terms of prayer clauses (c), (d) and (e).

3. This Court is of the opinion that since no response has been received in respect of the notice published on 22.01.2024 in respect of which the aforesaid affidavit dated 13.02.2024 is placed on record by the official liquidator, the directions as sought in prayer clauses (c), (d) and (e) deserve

to be granted. The relief in terms of prayer clause (e) is being granted in the light of statement made in paragraph 11 of the OLR.

4. Accordingly, the OLR is disposed of by granting the directions in terms of prayer clause (c), (d) and (e), which read as follows:-

“c) If prayer clause (a) and (b) are affirmative, pursuant to the said advertisement, if no proper comments, claims, objections are received from the creditors, workers, stakeholders, shareholders of the said Companies (In Liquidation) by the office of the Office Liquidator whether this Hon’ble Court may be pleased to dissolve the said 29 (twenty-nine) Companies (in liquidation), where no liquidation proceedings could be carried out under Section 481(1) of the Companies Act, 1956;

d) If prayer clause (c) is affirmative, whether this Hon’ble Court may be pleased to permit the Official Liquidator to transfer the amount of Rs.36,72,689/- (Rupees Thirty Six Lakhs Seventy Two Thousand Six Hundred and Eighty Nine only) lying to the credit of the said companies (in liquidation) to the ‘Companies Liquidation Account’ i.e. the Public Account of India in the Reserve Bank of India in terms of Section 555 of the Companies Act, 1956 read with Rule 283 of the Companies (Court) Rules, 1959;

e) If prayer clause (d) is affirmative, whether this Hon’ble Court be pleased to dispense with the filing of half yearly and yearly accounts [as per Rules 298 and 311 of the Companies (Court) Rules, 1959] as required under Section 462 of the Companies Act, 1956 as the same will not be feasible due to insufficient funds in the credit of said Companies (in Liquidation) / nil to negligible transactions in Companies (in liquidation).”

(MANISH PITALE, J.)

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