



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION (REVIEW) NO. 60 OF 2024
(HDFC Bank Ltd. V/s The Official Liquidator, High Court, Nagpur)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M. Y. Wadodkar, Advocate for Applicant.
Ms. S. S. Wandile, Advocate for Official Liquidator.

CORAM : ANIL L. PANSARE, J.
DATE : JANUARY 19, 2024.

. Heard.

2. By the present Application, the Applicant is seeking to review the order dated 3/8/2018 passed by the Single Bench of this Court (*Coram : S. B. Shukre, J.*) in OLR No. 17/2015, which reads thus :

“ Heard Shri Anjan De, learned Counsel for the applicant. Nobody is present for the non-applicant/bank, although it is duly served and represented by it's Advocate Shri M. Y. Wadodkar. However, the learned Counsel for the bank is absent.

Record shows that sufficient opportunity of submitting it's say in the matter has been granted to the non-applicant/bank. However, till date no reply has been filed nd today nobody appears on behalf of the bank.

It is clear that the bank does not dispute the prayers made in this application.

As the prayers are not opposed, the application is allowed in terms of prayer clauses (A) and (B).

The application is disposed of accordingly.”

3. As could be seen, despite sufficient opportunities, the bank did not submit say and the Advocate appearing for the Bank remained absent. The Court, noting the fact that prayer sought have been not opposed, has allowed the application in terms of prayer clauses – (A) and (B) which read thus :

“(A) Whether the hon’ble High Court would be pleased to direct the HDFC Bank to handover ₹ 5,95,343=00 lying in company’s account No.01021000062755.

(B) Whether this Hon’ble High Court would be pleased to direct the HDFC Bank, Opp. Kasturchand Park, S. V. Patel Marg, Nagpur to co-operate with the Official Liquidator and to provide all required information for smooth working liquidation proceedings.”

4. The review has been sought on the count that account number mentioned in prayer clause – (A) is incorrect. The learned Counsel for the Applicant submits that this account number is not belonging to the Company, but is a personal account of the Company’s Director namely, Nitin Maheshwari.

5. The learned Counsel for the Official Liquidator has invited my attention to the letter (Annexure-2) issued by the Bank to the Company under liquidation namely, M/s Shivmangal Ispat Pvt. Ltd. Nagpur. The account number has been mentioned in the

subject of the letter. The learned Counsel for the Official Liquidator submits that same account number has been quoted in the prayer.

6. Thus, it appears that the Official Liquidator has acted upon the letter issued by the Bank itself. In any case, if there is mistake in quoting the account number, the remedy of correction lies somewhere else and not in review jurisdiction. It is not even the case of the Bank that there occurred error apparent on the face of record or that element to invoke review jurisdiction exists. There is, thus, no merit in the Application. Misc. Civil Application is accordingly rejected.

(ANIL L. PANSARE, J.)