



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

MISC. CIVIL APPLICATION NO. 305 OF 2024
IN
COMPANY APPLICATION (CAL) NO. 18 OF 2018
IN
COMPANY PETITION NO. 5 OF 2001
(State Bank of India V/s The Akola Oil Industries Ltd.)

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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Ms. Mitisha Kotecha, Advocate h/f Mr. M. Anilkumar
Shankarlal, Advocate for Applicant.
Dr. Anjan De, Advocate for Official Liquidator.
Mr. Patil, Official Liquidator present in Court.

CORAM : ANIL L. PANSARE, J.
DATE : APRIL 05, 2024.

. Heard.

2. The Applicant/SBI has filed Application for restoration of Company Application (CAL) No. 18/2018 which has been allegedly disposed of vide order dated 15/3/2024. The Applicant has annexed copy of order dated 15/3/2024, which reads thus :

"1] By present application, the applicant-State Bank of India, is seeking to condone delay of 15 months in filing claim and affidavit. The Bank is seeking further direction to the Official Liquidator to release an amount of Rs.9.75 Crore approximately and an amount of Rs.2.49 Crore approximately with interest at bank rates at the earliest.

2] The learned Counsel for the applicant states that claim of Rs.2.5 Crores is pending adjudication before this Court in another application and, therefore, he is not pressing for orders on releasing the said amount. He submits

that he will restrict his prayer to the extent of releasing the amount of Rs.9.75 Crore.

3] Dr. De, learned Counsel for the Official Liquidator, has no objection if the delay is condoned.

4] In view of above and for the reasons set out in the application, the same is allowed. Delay of 15 months in filing claim is condoned. The Official Liquidator shall adjudicate upon the claim filed by the State Bank of India.

5] At this stage, the learned Counsel for the applicant, submits that the claim has been already adjudicated.

6] The Official Liquidator shall verify the status and make his submissions accordingly on 22/3/2024. The Official Liquidator is at liberty to release the amount, if found to be due and payable to the applicant, but strictly in accordance with the provisions of law and prevailing Rules.

7] Stand over to 22/3/2024.”

3. As could be seen, by the aforesaid order this Court has condoned the delay in filing claim and affidavit. The Official Liquidator was directed to adjudicate the claim filed by the Applicant/SBI. The learned Counsel for Applicant/SBI submitted that claim has already been adjudicated. The Official Liquidator was directed to verify the status and accordingly the Application was adjourned to 22/3/2024.

4. Thus it is amply clear that Company Application No. 18/2018 has been not disposed of. Despite such status, present Application is filed on the ground that in the cause-list and even in the status of this Application on the website of the High Court, it is reflected that Application is disposed of.

5. Thus, State Bank of India is relying upon the case

status ignoring the judicial order passed by the Court. In fact, the State Bank of India has, in its Application, stated that the Company Application No. 18/2018 has been not disposed of. Thus, the State Bank of India is aware of the status of this Application. Despite this, present Application is filed which is nothing short of frivolous.

6. The Company Application is accordingly dismissed with costs of Rs. 5000/-.

(ANIL L. PANSARE, J.)

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