



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL ORDINARY APPELLATE JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 2242 OF 2025
IN
COMPANY PETITION NO.123 OF 2010

Mahesh Shantaram Birwadkar Through L. H. ... Applicant.

In the matter between:

Mr.Kishor S. Patil ... Petitioner.

Versus

The Official Liquidator of M/s. Yes Cube ... Respondent.
Infrastructure Ltd.

Mr. Amol L. Dhumal for the Applicant.

Mr. Harsh Moorjani, for Official Liquidator.

Coram : Sharmila U. Deshmukh, J.

Date : July 23, 2025

P.C. :

1. Interim Application has been preferred seeking condonation of delay of 8 years 10 months and 28 days in filing the affidavit of proof of debt.
2. Mr.Moorjani, learned counsel appearing for the Official Liquidator submits that the claim of the Applicant is that his predecessor had advanced loan to the company under liquidation and the affidavit of proof of debt which is annexed at page 7 is without any particulars.

- 3.** The Application is for condonation of delay under Rule 177 of the Company (Courts) Rules, 1959. As far as the merits of the affidavit of proof of debt, it is open for the Official Liquidator to adjudicate the same in accordance with law.
- 4.** For the reasons stated in the Application, the delay of 8 years, 10 months and 28 days is condoned. The Official Liquidator to adjudicate the claim of the Applicant on its own merits and in accordance with law.
- 5.** Interim Application is allowed in the above terms.

[Sharmila U. Deshmukh, J.]