

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

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**INTERIM APPLICATION (L) NO. 26018 OF 2023**  
**IN**  
**COMPANY PETITION NO. 447 OF 2004**

Mac Remedies Pvt. Ltd. And Anr ... Applicants

**IN THE MATTER BETWEEN**

Rubicon Formulation Pvt. Ltd. ... Petitioner

**Versus**

The Official Liquidator, Bombay High Court. ... Respondent

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*Adv. S. Pathan, Adv. Shahbaz Khan i/by YNA Legal for the Applicants.  
Ms. Akansha Agrawal for the Official Liquidator.  
Mr. Chetan Shelke Deputy Official Liquidator present.*

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**Coram : Sharmila U. Deshmukh, J.**

**Date : July 24, 2025.**

**P. C. :**

1. The Application has been preferred seeking leave under Section 446 of the Companies Act, 1956 to proceed with the Special Civil Application No. 8630 of 2009 pending before the High Court of Gujarat against the Company in liquidation.

2. The Application seeks quashing of the orders which are passed by the Respondent No. 2 which is Recovery Officer of the General Co-operative Bank Ltd., and the notices for recovery of any amount of the Respondent Nos. 3 and 4. The Respondent No. 3 is the

*This order is corrected as per Speaking to the minutes of the order dated 6<sup>th</sup> August, 2025.*

**Shubham**

Company in Liquidation.

3. Learned Counsel appearing for the Official Liquidator submits that the leave may be granted subject to securing cost of litigation. On the last occasion this Court had raised query as regards the willingness of the Applicant to pay the litigation cost for granting leave under Section 446.

4. Learned Counsel for the Applicant on instructions, submits that the cost of the litigation would be deposited with the Official Liquidator.

5. Considering the nature of reliefs sought, leave can be granted for proceeding with the Special Civil Application No. 8630 of 2009 as the Company under Liquidation is formal party and the reliefs is against the orders of Respondent No. 2.

6. The Application is allowed in terms of prayer clause (b) which reads as under:

*“(b) The Applicants therefore pray that appropriate orders as prayed may be passed in the present proceedings and leave to proceed under Section 446 of the Companies Act, 1956 may kindly be granted to the Applicants as prayed.”*

7. The Applicant to deposit the litigation cost of Rs. 2,50,000/- with the Official Liquidator within a period of two weeks from today.

**8.** It is made clear that the leave is granted subject to the deposit of the litigation cost with the Official Liquidator within a period of two weeks from today.

**[Sharmila U. Deshmukh, J.]**