

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

INTERIM APPLICATION NO. 2797 OF 2025

IN

COMPANY PETITION NO. 468 OF 2013

Kumar Motors Pvt. Ltd.

Through Its Managing Director Shri Rajiv Nair ...Applicant

Versus

Official Liquidator Of Kumar Motors Pvt. Ltd.

Bombay High Court ...Defendant

WITH

OFFICIAL LIQUIDATOR REPORT NO. 74 OF 2024

IN

COMPANY PETITION NO. 468 OF 2013

WITH

INTERIM APPLICATION NO. 2917 OF 2025

IN

COMPANY PETITION NO. 468 OF 2013

Mr. Aditya Pimple a/w Aakash Joshi, Amarjit Prasad for Applicant.

Mr. Kshitij Parekh a/w Vinod Kothari i/b M/s Apex Law Partners for Applicant in
IA No. 2917/2025.

Mr. Rushabh Sheth for Official Liquidator.

Mr. Dr. J.P. Gautam, Dy. Official Liquidator.

CORAM : ARIF S. DOCTOR, J.

DATE : 4th December, 2025

P.C.

1. Learned counsel for the Applicant has pointed out that pursuant to the previous order, this court had directed the Applicants to amend the Interim

Application by impleading the Ex-Directors of Respondent No. 2 (Metamorphosis Trading LLP,) namely Girish Nilkanth Kulkarni and Sarika Girish Kulkarni.

2. It was also pointed out by learned counsel for the Applicant that Ex-Directors namely Girish Nilkanth Kulkarni and Sarika Girish Kulkarni were duly served with the previous order as also with a copy of the amended Interim Application.

3. Learned counsel further pointed out that the amendment was ordered because it was pointed out to the court on the previous occasion that the Directors namely Girish Nilkanth Kulkarni and Sarika Girish Kulkarni had given an undertaking to this court to make payment of security charges in respect of company's assets.

4. It is further pointed out that Ex-Directors have in fact not made payment of security charges and thus in breach of their solemn undertakings given to this court.

5. Mr. Sheth has invited my attention to an order dated 15th March, 2024 passed in Official Liquidator's Report No. 25 of 2024, wherein this court have noted the conduct of the Directors of Metamorphosis Trading LLP. The order records thus.

3. The learned counsel appearing for Metamorphosis Trading LLP submits that today an e-mail is received at 12:59 p.m. stating that an additional week is required to arrange for the necessary funds to make the payment. This is the second occasion on which Metamorphosis Trading LLP has violated the undertaking given to this Court. This is a serious matter.

4. Hence, by way of last chance, Metamorphosis Trading LLP is granted time till 22.03.2024 to pay the amount of

Rs.22,42,532/- to the official liquidator towards charges payable to the security agency.

5. List the OLR for compliance on 26.03.2024.

6. It is made clear that if the undertaking given to this Court and the indulgence shown today are taken lightly and violated by Metamorphosis Trading LLP, appropriate proceedings shall be initiated including proceedings under the Contempt of Courts Act, 1971.

6. Hence, from the above, it is clear that this is the second occasion, on which breach of undertakings given by Directors namely Girish Nilkanth Kulkarni and Sarika Girish Kulkarni has been brought to the notice of this court. This is a serious matter, hence issue notice to 1) Mr. Girish Nilkanth Kulkarni and 2) Ms. Sarika Girish Kulkarni under the Contempt of Courts Act, 1971 returnable on **18th December, 2025**.

7. It is made clear that upon next date they do not appear then this court shall have to pass appropriate orders to secure their presence.

8. A copy of the Amended Application is to be filed in the Registry.

(ARIF S. DOCTOR, J.)