



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

INTERIM APPLICATION NO.2162 OF 2025
IN
COMPANY PETITION NO.479 OF 2011

Palm Grove Beach Hotels Private Ltd & Anr ... Applicants.

In the matter between:

L & T Finance Limited ... Petitioner.

Versus

The Official Liquidator, High Court of Bombay
Liquidator of Mission Vivacare Ltd. ... Respondent.

Adv.Hrushii Narvekar a/w. Reehan Ajmerwalla i/by Madhu Hiraskar for Applicant.

Mr. Rushabh Sheth, for Official Liquidator.

Mr. Satyajit Raul, Official Liquidator, present.

Mr.Mangesh Jadhav, Deputy Official Liquidator, present.

Coram : Sharmila U. Deshmukh, J.

Date : June 20, 2025

P.C. :

1. Interim Application seeks condonation of delay of 369 days in lodging the claim with the office of Official Liquidator under Rule 177 of the Companies (Court) Rules, 1959.

2. Learned counsel appearing for the Applicants submits that the Applicants had previously submitted the bills/demand note in respect of the outstanding amount in the office of Official Liquidator and there was no issue which was raised of delay in filing its affidavit of proof of debt. She would further submit that it is only upon the communication being received about the delay in filing the affidavit of

proof of debt that the present Application came to be filed resulting in delay of 369 days.

3. Learned counsel appearing for the Official Liquidator submits that the present Application is belated as the affidavit of proof of debt was filed in 2016 and the delay condonation Application has been filed in February, 2025.

4. It is not disputed that the Applicants had submitted its bills, statements and accounts to the Official Liquidator by letter of 3rd October, 2015 and had lodged their claim by way of affidavit of proof of debt on 2nd February, 2016. As the same was accepted, the Applicants were not aware that an Application has to be moved under Rule 177 of the Companies (Court) Rules, 1959 for condonation of delay, which they learnt only upon the receipt of letter on 22nd November, 2024 and 28th January, 2025.

5. In light of the above, there is sufficient explanation tendered for condoning the delay in lodging the claim of Applicants in the office of Official Liquidator and the same stands condoned.

6. Interim Application is allowed in terms of prayer clause (a), which reads as under:

“(a) This Hon’ble Court be pleased to condone delay of 369 days in lodging the claim of the Applicants to the office of the Official Liquidator under Rule 177 of the Companies (Court) Rules, 1959;”

[Sharmila U. Deshmukh, J.]