

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

**INTERIM APPLICATION NO. 2887 OF 2025**

**IN**

**COMPANY PETITION NO. 775 OF 2005**

Deependra Singh ...Applicant

**In the matter between.**

Board For Industrial And Financial Reconstruction ...Petitioner

Versus

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

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Mr. B. K. Bali a/w Mr. Gourav Shetye i/b Bali Associates, for the Applicant.

Mr. Rushabh Sheth, for Official Liquidator.

Mr. Satyajit Roul, for Official Liquidator.

Mr. Anil Bhagure, for Dy. Official Liquidator.

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**CORAM : ARIF S. DOCTOR, J.**

**DATE : 19<sup>th</sup> SEPTEMBER, 2025.**

**P.C.**

1. The present Interim Application seeks recall of the order of winding up passed by this Court dated 5<sup>th</sup> April 2006.

2. I have heard learned counsel for the Applicant who is a director of the company (in liquidation). Learned counsel points out that, as of today, there are no outstanding dues payable by the company to any of the creditors and that the claim of the Central Bank of India, who was at that time the only creditor of the company (in liquidation), has since been settled. In support of his contention, he has placed reliance upon a letter dated 21<sup>st</sup> January 2025

issued by the Central Bank of India to the company (in liquidation).

3. Mr. Sheth, learned counsel appearing on behalf of the Official Liquidator has invited my attention to the order dated 5<sup>th</sup> August 2025, by which the Official Liquidator was directed to ascertain as to whether there were any other pending claims against the company (in liquidation).

4. Mr. Sheth has today tendered a compliance affidavit and he points out paragraph nos.18 and 19 which to confirm that no fresh claims have been received by the Official Liquidator in respect of the company (in liquidation) and says one except for the claim Central Bank of India adverted to above, there are no other claims to the knowledge of the Official Liquidator.

5. However, Mr. Sheth has invited my attention to Section 466 of the Companies Act, 1956 to submit that an application has filed by the present Applicant would not be maintainable as only an application by any credit or contributory would be maintainable. He has, however, very fairly submitted that in the event the Applicant files a statement of affairs of the company as a director showing that there are no other dues payable to any creditor, then this Court could consider permanently staying the winding up proceedings.

6. At this stage, learned counsel for the Applicant submits that he shall file the requisite affidavit disclosing his statement of affairs of the company, which he submits will reflect that there are no other creditors.

7. I am informed that pursuant to the last order, the Applicant has deposited with the Official Liquidator the amount to be paid to the advertising tenancy. Let the Official Liquidator discharge such payment from

the amount deposited.

8. In view thereof, stand over to **26<sup>th</sup> September 2025** (HOB) for passing further order.

**[ARIF S. DOCTOR, J.]**