



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Company Appeal No. 4 of 2012

[M/s Indoworth India Ltd., Nagpur Vs. M/s Asset Reconstruction Co.(India)
Ltd., Mumbai]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. N. Chari, Advocate for the appellant
Mr. S. N. Kumar, Advocate for the respondent

CORAM : ANIL L. PANSARE J.

DATED : 28-02-2025

Heard.

2. Learned counsel for appellant M/s. Indoworth India Limited submits that the respondent herein had filed two petitions under Section 247 of the Companies Act, 1956 (for short 'the Act of 1956') before the Company Law Board, Principal Bench, Delhi seeking investigation into the ownership of shares of the company. Out of the two proceedings, one proceeding was against the present appellant and another was against Universe Textile Limited. The Company Law Board vide common order dated 29-5-2012 had rejected the objection raised by the respondents therein as regards maintainability of the proceedings. The said order is subject matter of present appeal in terms of Section 10F of the Act of 1956. Universe Textile Limited had also challenged the said order before the Kolkata High Court because the registered office of said company is situated at Kolkata and the appeal is to be filed before the High Court having jurisdiction.

3. I am informed that the Kolkata High Court in APO No. 325/2012 preferred by the Universe Textile Limited, vide order dated 12-9-2012 allowed the appeal and also dismissed

the proceedings pending before Company Law Board. The said order was challenged before the Supreme Court in SLP Nos. 34283 and 34284 of 2013. On 24-9-2024, the petitioner therein (respondent herein) sought leave to withdraw the special leave petitions and accordingly, the Supreme Court dismissed the petitions as withdrawn. That being so, the order passed by Kolkata High Court has attained finality.

4. Needless to mention that the judgment and order passed by Kolkata High Court will be applicable in the present case as well.

5. Since original proceedings filed before the Company Law Board at Principal Seat, Delhi have been now disposed of, nothing survives in the present appeal as well. The appeal is accordingly disposed of as does not survive.

(Anil L. Pansare, J.)