



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

**Company Application No. 8 of 2025**

[In the matter of Various Companies Ltd. (in liqn.)]

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

Court's or Judge's orders

Mr. S. V. Deshpande, Advocate for the Official Liquidator with Mr. Deepak Persoya, Official Liquidator

**CORAM : ANIL L. PANSARE J.**

**DATED : 31-01-2025**

By present application, the Official Liquidator is seeking permission to appoint Chartered Accountant to conduct audit of the companies as required under Section 551 of the Companies Act, 1956 (hereinafter referred to as 'the Act of 1956'). Section 551 reads as under :

***“551. Information as to pending liquidations .- [(1) If the winding up of a company is not concluded within one year after its commencement, the Liquidator shall, unless he is exempted from so doing either wholly or in part by the Central Government, within two months of the expiry of such year and thereafter until the winding up is concluded, at intervals of not more than one year or at such shorter intervals, if any, as may be prescribed, file a statement in the prescribed form and containing the prescribed particulars duly audited, by a person qualified to act as auditor of the company, with respect to the proceedings in, and position of, the liquidation,-***

***[(a) in the case of a winding up by the Tribunal, in Tribunal; and]***

***(b) in the case of a voluntary winding up, with the Registrar:***

***Provided that no such audit as is referred to in this sub-section shall be necessary where the provisions of section 462 apply.]***

***(2) When the statement is filed in [Tribunal] under clause (a) of sub-section (1), a copy shall simultaneously***

*be filed with the Registrar and shall be kept by him along with the other records of the company.*

*[(2-A) Where a statement referred to in sub-section (2) relates to a Government company in liquidation, the Liquidator shall forward a copy thereof,-*

*(a) to the Central Government, if that Government is a member of the Government company; or*

*(b) to any State Government, if that Government is a member of the Government company; or*

*(c) to the Central Government and any State Government, if both the Governments are members of the Government company.]*

*(3) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled, by himself or by his agent, at all reasonable times, on payment of the prescribed fee, to inspect the statement, and to receive a copy thereof or an extract therefrom.*

*(4) Any person untruthfully stating himself to be a creditor or contributory for the above purpose shall be deemed to be guilty of an offence under section 182 of the Indian Penal Code (45 of 1860), and shall, on the application of the Liquidator, be punishable accordingly.*

*(5) If a Liquidator fails to comply with any of the requirements of this section, he shall be punishable with fine which may extend to [five thousand rupees] for every day during which the failure continues:*

*[Provided that if the Liquidator makes wilful default in causing the statement referred to in sub-section (1) to be audited by a person qualified to act as auditor of the company, the Liquidator shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to [ten thousand rupees], or with both.]”*

As could be seen, the Official Liquidator is duty bound to file statement in the prescribed form and containing prescribed particulars duly audited, by a person qualified to act as auditor. This being statutory compliance, I am of the view that the Official Liquidator need not seek permission to appoint Chartered Accountant. The Official Liquidator shall,

however, take note of proviso to sub-section (1) of Section 551 of the Act of 1956 before auditing account.

With the above observations, the company application is disposed of.

**(Anil L. Pansare, J.)**

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