

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14449 of 2023

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Bindeshwar Choudhary, Son of Late Dev Narayan Chaudhary, Resident of
Village- Chahuta, P.S.- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Industries, Vikas Bhawan, Baily Road, Patna.
2. The Managing Director, Bihar State Small Industries Corporation Ltd. B.C.I. Building, Patna (In Liquidation).
3. Manager, Industrial Raw Material Depot Kokar Ranchi, State of Jharkhand.
4. The Registrar of Company, Patna High Court, 4th floor Maurya Lok Complex, Patna, Bihar.
5. Assistant Official liquidator, High Court at Patna, 4th floor Maurya Lok Complex, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Braj Kishore Singh, Advocate Mr. Kishore Kumar Thakur, Advocate
For the Respondent/s	:	Mr. Wasim Mohammad, AC to SC- 6
For the O.L.	:	Mr. Nikhil Kumar Agrawal, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 30-06-2026

Heard Mr. Kishore Kumar Thakur, learned Advocate for the petitioner and Mr. Waism Mohammad, learned Advocate for the State. The Official Liquidator is represented through Mr. Nikhil Kumar Agrawal, learned Advocate.

2. Before coming to the merit of the case, a preliminary objection has been raised with regard to the



maintainability of the writ petition in terms with the provision of Section 466 of the Companies Act, 1956, which provides that when a winding up order has been passed or when an Official Liquidator has been appointed as provisional liquidator, then in that case, no suit or other legal proceeding shall be commenced, or if pending at the date of the winding up order, shall be proceeded with, against the company, except by leave of the Company Court and subject to such terms as the said Court may impose.

3. It is specifically contended that since the Company is under liquidation and moreover the claim of the petitioner was duly heard and upon notice the petitioner submitted his response and subsequently it has been found that the petitioner is entitled to an amount of Rs.1,68,093/- and rejected the remaining claim of Rs.15,88,124/-, the petitioner had the liberty to challenge the same before the Company Court in Appeal, but the same has not been done. It is also submitted that the petitioner has been paid the admissible amount on Pro rata basis and the remaining amount, if any, shall be paid on the similar basis.

4. Learned Advocate for the petitioner submitted that the petitioner is facing extreme financial crunch as well as



on account of serious ailment, he is not in a position to pursue the remedy. He further submits that the Bihar State Ardh Sarkari Arajpati Karamchari Maha Sangh through its General Secretary Shri Awadh Kishore Sharma & Ors. Vs. The State of Bihar & Ors. in WP(c) No. 932 of 2022, the Hon'ble Supreme Court has given certain direction, including the direction that there is substantial liability due with respect to the employees located within the State of Bihar Unit of BSIDC. The State Government shall clear all such liabilities of the employees located in Bihar within a period of two months and submit a compliance report by the next date.

5. Having considered the submissions advanced by the learned Advocate for the respective parties. Since this Court is of the opinion that the Company went in liquidation and the matter is pending under consideration before the Company Court in Company Petition No. 05 of 1999, this Court does not find any reason to entertain the present writ petition. However, it is made clear that the petitioner shall be at liberty to challenge the order whereby his claim has been negated by the Official Liquidator,. In case, the petitioner files an appropriate petition for condonation of delay in filing appeal by stating all the facts, including the fact of pendency of the writ petition, the same



shall be considered in accordance with law.

6. With the aforesaid liberty, the writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2026
Transmission Date	NA

