

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 2403 OF 2025

IN

COMPANY PETITION NO. 538 OF 2013

Reliance Asset Reconstructin Company Limited

...Applicant

In the matter between.

Hansa Chandrakant Majithia

...Petitioner

Versus

Offiicial Liquidator And Ors

...Respondents

WITH

INTERIM APPLICATION NO. 5730 OF 2025

IN

COMPANY PETITION NO. 538 OF 2013

---

Mr. Ashish Kamat, Sr. Advocate a/w Mr. Nikhil Rajani i/b V. Deshpande & Co.,  
for the Applicant.

Mr. Karl Tamboly a/w Nivit Srivastava, Ms. Sneha Patil i/b M. Srivastava  
Associates, for Mr. Vijay Thakkar.

Mr. Cyrus Ardeshir a/w Mr. Amir Arsiwala and Mr. Rahul Gupta i/b Mr. Sameer  
Reshamwala, for Respondent No.2.

Mr. Prathamesh Kamat, (through V.C.), for Respondent No.3.

Mr. Ranjeev Carvalho, for the Official Liquidator.

Mr. Satyajit Roul, Official Liquidator, present.

Mr. Chetan Shelke, Dy. Official Liquidator, present.

Mr. Vijay Thakkar, Chairman, present in person.

---

CORAM : ARIF S. DOCTOR, J.

DATE : 2<sup>nd</sup> FEBRUARY, 2026

P.C.

1. The matter was kept today on the backdrop of the order dated 30<sup>th</sup>  
January 2026, by which this Court has noted as follows.

"2. Today, the Secretary of the Respondent-Society, Mr. Vijay Bhattar is present in Court. The Chairman of the Respondent-Society, Mr. Vijay Thakkar is not personally present and has appeared virtually. The Chairman of the Respondent-Society has not complied with the specific directions to remain personally present in this Court

3. The Chairman of the Society, Mr. Vijay Thakkar, on being asked why he is not personally present, submitted that he is in Gujarat and had to travel to Gujarat three days ago to attend to his ailing mother. However, it was apparent that Mr. Vijay Thakkar was appearing virtually from what was clearly a commercial/office space.

4. In view of the above and before I proceed any further in the matter, let Mr. Vijay Thakkar state on affidavit along with all necessary details, the reason for his absence in Court today. This would include details of his travel to Gujarat as also details about his mother's ill health which required him to travel to Gujarat.

5. Mr. Vijay Thakkar shall remain personally present in Court on the next occasion. The presence of Mr. Vijay Bhattar is dispensed with."

2. Today, Mr. Vijay Thakkar is present in Court. Mr. Tamboly, learned counsel appearing on behalf of Mr. Vijay Thakkar, has tendered an affidavit, by which Mr. Vijay Thakkar has tendered an apology for not being physically present in this Court, despite the fact that he was in Mumbai. There is no reason, however, forthcoming in this affidavit as to why, despite being aware of the previous order, Mr. Vijay Thakkar was not present in Court. Thus, plainly, Mr. Vijay Thakkar has acted in willful breach and defiance of the order of this Court dated 23<sup>rd</sup> January 2026.

3. Mr. Tamboly fairly submitted that apart from tendering an unconditional apology, he could not justify the conduct of Mr. Vijay Thakkar. Furthermore, it was noted that the affidavit though does not anywhere state as to why, despite being aware of the order and the fact that the Secretary of the Society has also appeared, what motivated, Mr. Vijay Thakkar to not appear.

4. Mr. Tamboly submits that a more detailed affidavit shall be filed by Mr. Vijay Thakkar and requested the Court not to proceed in contempt against Mr. Vijay Thakkar. Acceding to this request. I am granting Mr. Vijay Thakkar an opportunity to file a further affidavit and are not presently issuing a contempt notice.

5. Furthermore, Mr. Vijay Thakkar has also submitted that he does not have any objection to the admission of Respondent No.3 as a member to the Society and shall do all acts which required for operation, subject however to the issue of payment of outstanding Society dues being resolved.

6. Insofar as the outstanding Society dues are concerned, Mr. Ardeshir submits that the Society will on the undertaking of the Applicant to make payment of the dues as finally adjudicated by the Official Liquidator, admit Respondent No.3 as a member of the Society.

7. Learned counsel, however, clarified that their right to challenge such adjudication be kept open. It is towards this that they shall draft minutes of the order and requested that the matter be stood over.

8. Stand over to **6<sup>th</sup> February 2026 (HOB)**.

[ARIF S. DOCTOR, J.]