

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

INTERIM APPLICATION NO. 7268 OF 2025

IN

SUIT NO. 1044 OF 2007

Ramesh Harilal Mehta & Ors.

...Applicants

vs

The Court Receiver

...Respondent

In the matter between

Munna R. Puthalappa

...Plaintiff

vs

Ramesh Harilal Mehta and Anr.

...Defendants

Mr. Anand Mohan with Mr. Amit A. Tungare, Ms. Akshata Katara i/b
Mr. Amit Tungare for the Applicants.

Plaintiff present in person and Respondent No. 3 in IA present in
person

Mr. Swayam Chopda, OSD, Court Receiver present.

CORAM : ABHAY AHUJA, J.
DATE : 20th JANUARY, 2026

PC. :

1. This Interim Application has been filed by the Applicants which include not only the Defendant No. 1 as the Applicant No. 1, but also by the two ex-directors of the Defendant No. 2- company, which has been dissolved, seeking directions of this Court to the office of the Court Receiver, Bombay to release and pay the net amount due to the Defendants No. 1 and 2 from the suit account in accordance with the orders dated 30th June, 2025 and 25th July, 2025 to an account held jointly by the Defendant No. 1 and two ex-directors of the Defendant No.2.

2. Mr Mohan submits that by orders dated 30th June, 2025 and 25th July, 2025, the amount of Rs. 40,31,170/-, which was originally deposited by the Defendants No. 1 and 2, was directed to be returned to the Defendants No. 1 and 2 by the Court Receiver. However, Mr. Mohan points out that since the company has been formally dissolved as per the records maintained with the Ministry of Corporate Affairs, this Court may make the payments to the Applicants No. 2 and 3, who continue to represent and act on behalf of the said company in respect of its residual affairs.

3. Upon a query from this Court as to whom the amounts due to a company which has been dissolved are to be paid under law, Mr. Mohan fairly draws this Court's attention to Section 250 of the Companies Act and submits that where a company stands dissolved under Section 248, it shall cease to operate as a company and the Certificate of Incorporation issued to it shall be deemed to have been cancelled from such date except for the purpose of realising the amount due to the company and for payment or discharge of the liabilities or obligations of the company.

4. In my view, since the Defendant No. 2 has been dissolved and Section 250 as pointed out by Mr. Mohan clearly covers the issue raised, the Interim Application stands disposed of with direction in view of Section 250 of the Companies Act, 2013, that although the company ceases to operate as a company upon dissolution and the Certificate of Incorporation issued to it, is also deemed to have been cancelled, except for the purpose of realising the amount due to the company and for the payment or discharge of the liabilities or obligations of the company, the Court Receiver can well make the payments to the Defendant No.1 as well as to the Defendant No. 2-company which is stated to be dissolved.

5. Needless to say that the company is a separate legal entity and upon dissolution of a company, the receivables of the dissolved company also cannot, in view of the aforesaid provisions be paid over to its directors as requested for in the Interim Application.

6. While this matter was being heard, the Plaintiff has appeared in person and once again endeavoured to reagitate the claim that the payments have to be made to the Respondent No.3-society.

7. When the learned Court Associate has inquired as to whether he has a lawyer, the Plaintiff has answered in the negative but insists that the payments ought to be made to the society.

8. In this regard, Mr. Mohan has drawn this Court's attention to the orders of the Division Bench followed by this Court while passing order dated 30th June, 2025 as well as the order of the Division Bench dated 25th July, 2025 passed in an Appeal filed against the order dated 30th June, 2025, which clearly observe that apart from the amount of Rs. 40,00,000/- as agreed in the consent terms no further amounts were to be paid to the Respondent No. 3- society.

9. In this view of the matter, although the Plaintiff is not being represented by any Advocate, his contentions cannot be considered and deserve to be rejected.

10. The Interim Application accordingly stands disposed as above.

11. The Court Receiver to proceed to make payments to the Defendants No. 1 and 2 as per the orders dated 30th June, 2025 and 25th July, 2025.

(ABHAY AHUJA, J.)