

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.2760 OF 2026
IN
COMPANY PETITION NO.234 OF 2010

Shree Swami Samarth Prasanna Oshiwara East ...Applicant
Union No.1 CHS Ltd.

IN THE MATTER BETWEEN:

Prasad Mhatre ...Petitioner

Versus

The Official Liquidator High Court Bombay,
Liquidator of M/s. City Limouzine (India) Ltd. ...Respondent

Ms. Merlyn A. Vasudeo nee Monteiro, for the Applicant.
Ms. Akanksha Agrawal, for the Official Liquidator.
Mr. Satyajit Roul, the Official Liquidator, present in Court.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th JUNE 2026

P. C.:

1. At the outset, Ms. Vasudeo, learned Counsel appearing for the Applicant submits that the Applicant is seeking only prayer clause (a) and at this stage not seeking prayer clause (b). She seeks leave to file appropriate Application in terms of the prayer clause (b) as and when necessary.

2. The said prayer clause (a) reads as under:

(a) That this Hon'ble Court may be pleased to condone the delay of 13 years in filing the Affidavit of Proof of Debt dated 31-1-2026 filed on 4-2-2026 with the Office of the Official Liquidator High Court Bombay, and permit the Affidavit of Proof of Debt dated 31-3-2026 alongwith additional documents in support thereof, to be adjudicated on its merits;"

3. Accordingly, leave as sought is granted.

4. Ms. Vasudeo, learned Counsel submits that the Official Liquidator, High Court, Bombay has issued letter dated 9th January 2026 calling upon the Applicant to file their claim in the format of Affidavit of Proof of Debt. Accordingly, Affidavit of Proof of Debt dated 31st January 2026 was filed on 4th February 2026 by the Applicant with the office of the Official Liquidator, High Court, Bombay. The Interim Application is filed seeking delay condonation in filing Affidavit of Proof along with additional documents in support thereof to be adjudicated on its merits.

5. Ms. Vasudeo, learned Counsel tenders Minutes of Order placing on record the various reasons in support of the Applicant's prayer to condone the delay. The said Minute of Order is also signed by the learned Advocate appearing for the Official Liquidator only for the purpose of identification. The said Minutes

of Order is marked as 'X' for the identification. The said Minutes of Order reads as under:

“MINUTES OF ORDER

1. The Applicant seeks to condone delay in filing the Affidavit of Proof of Debt dated 31st January, 2026, which technically had to be filed on or before 30th April, 2013, being the cut off date in Company Petition No. 234 of 2010 and the delay amounts to almost 13 years.

2. The Applicant being a registered Cooperative Housing Society registered under the Cooperative Societies Act, 1960, has an adjudicated claim for recovery of Society statutory dues, against the owner of the three Flat nos. 113, 114 and 115 in the Applicant Society, which are admittedly in the personal name of the Ex-Director of the Liquidated Company, namely Mr. Sayyed Mohammad Masood. The Applicant Society have order of Recovery under section 101 of the Maharashtra Cooperative Societies Act, 1960 in their favor and against Mr. Sayed Masood, for recovery of the society dues under Case no. 71 of 2018 for amount of Rs.11,55,508/- alongwith interest @21% p.a. on principal sum of Rs.7,74,684/- wef 1st June, 2018 till repayment thereof and cost of Rs. 10,780/-.

3. The Applicant have filed their Affidavit of Proof of Debt Notarised on 27th August, 2019 in Company Petition no. 234 of 2010, with the Office of the Official Liquidator High Court Mumbai.

4. The Official Liquidator High Court Bombay vide their OLR No. 153 of 2025 have stated in para 12

thereof that the said flats nos. 113, 114 and 115, which are put to sale by the Official Liquidator High Court Bombay, stand in the name of the Ex-Director of the Company in Liquidation and the Ex-Director of the Company in Liquidation has failed before the Hon'ble MPID Court to establish that he had purchased the said property from his personal earnings and not from the funds of the Companies.

5. By order dated 19th December, 2025 passed in OLR No. 153 of 2025 in Company Petition no. 234 of 2010, the Hon'ble High Court has directed that the sale proceeds of the three Flat nos. 113, 114 and 115 be deposited in the above Company Petition no. 234 of 2010 account with the Official Liquidator, High Court Bombay. (Exhibit N to the IA no. 2760 of 2026) and the sale has been confirmed in favor of one Mr. Umang Mehta after four unsuccessful attempts to sale of the said three flats nos. 113, 114 and 115 in the Applicant Society.

6. The Official Liquidator High Court Bombay, have issued letter dated 9th January, 2026, calling upon the Applicant to file their Claim in the Format of Affidavit of Proof of Debt. (Exhibit M to the IA no. 2760 of 2026).

7. The Applicant Society, have within 35 days of receipt of letter dated 9th January, 2026, have filed their Affidavit of Proof of Debt Notarised on 31st January, 2026, and filed with the Office of the Official Liquidator High Court Bombay.

8. The Official Liquidator High Court Bombay by letter dated 12th February 2026 have informed the Applicant that the last date of filing of claim was 30th April, 2013 and hence there is delay in the lodging of the claim and have informed the Applicant to obtain the appropriate order from the

Hon'ble Company Court. (Exhibit U to the IA no. 2760 of 2026).

9. The Applicant have lodged their affidavit of Proof of Debt dated 31st January, 2026 pursuant to the letter dated 9th January, 2026 of demand made by the Official Liquidator, High Court Bombay which is within 30 days of intimation thereof. However, there is a technical delay of 13 years i.e. from the last date of lodging of claims i.e. 30th April, 2013, in the present Company Petition, which is required to be condoned by this Hon'ble Court.

10. The Applicant have to recover their statutory dues which is an adjudicated claim in itself and the Applicant have bonafide claim and the same ought to be decided on merits, the delay caused being unintentional and technical and with sufficient cause made out in the IA no. 2760 of 2026.

11. Hence, the delay in filing the Affidavit of Proof of Debts of the Applicant in the above matter be condoned and prayer (a) be allowed. The Official Liquidator High Court Bombay is directed to adjudicate the claim of the Applicant Society on merits.

12. There shall be no order as to costs.”

6. I am satisfied that in the facts and circumstances, as more particularly set out in Minutes of Order, the Applicant is entitled for relief of condonation of delay.

7. Accordingly, the Interim Application is allowed in terms of prayer clause (a) and disposed of.

[MADHAV J. JAMDAR, J.]

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