HC-KAR

CNR: KAHC010403412026

NC: 2026:KHC:60210
CA No. 85 of 2026
In CA No.318 of 2023
In COP No.57 of 2012

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

COMPANY APPLICATION NO. 85 OF 2026

IN

COMPANY APPLICATION NO.318 OF 2023

IN

COMPANY PETITION NO.57 OF 2012

BETWEEN:

1. HITACHI PAYMENT SERVICES PVT. LTD.,
LEVEL 2, MPL SILICON TOWERS,
23/1, VELACHERRY TAMBARAN ROAD,
PALLIKARNAI, CHENNAI-600100,
TAMIL NADU.
REPRESENTED BY MANAGING DIRECTOR
SRI. LONEY ANTONY.

Digitally signed by PREMCHANDRA M R
Location: HIGH COURT OF KARNATAKA

2. SRI. LONEY ANTONY
FORMER MANAGING DIRECTOR
C/3001, 30TH FLOOR, OBEROI SPRINS,
NEAR MONGINS CAKE FACTORY,
LINK ROAD, ANDHERI WEST,
MUMBAI-400053, MAHARASHTRA.

3. SRI. SHYAM SUNDER CHANDRASEKHARAN
FORMER WHOLE TIME DIRECTOR
FLT NO.1202, 12TH FLOOR, BUILDING NO.7,
RAHEJA CLASSIQUE, NEW LINK ROAD,
OSHIWARA, ANDHERI WEST,
MUMBAI-400053, MAHARASHTRA.

4. SRI. SUMIL CHANDRAKANT VIKAMSE
MANAGING DIRECTOR,
D-1506, RNA CONTINENTAL
SUBHASHNAGAR LAYOUT,
NEAR CHEMBUR GYMKHANA CHEMBUR,
MUMBAI-400071, MAHARASHTRA

…APPLICANTS

(BY SRI. SHREYAS ACHARYA, ADVOCATE FOR
SMT. LAKSHMI MENON, ADVOCATE)

AND:

OFFICIAL LIQUIDATOR OF UNITED BREWERIES
(HOLDINGS) LTD., (IN LIQN)
ATTACHED TO HIGH COURT OF KARNATAKA
CORPORATE BHAVAN, NO.26-27,
12TH FLOOR, RAHEJA TOWERS,
M.G ROAD, BENGALURU-560001.

…RESPONDENT

(BY SMT. KRUTHIKA RAGHAVAN, ADVOCATE FOR OL)

THIS COMPANY APPLICATION IS FILED UNDER ORDER 8 RULE 1A(3) READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 AND RULE 9 OF THE COMPANY (COURT) RULES, 1959.

THIS COMPANY APPLICATION IS LISTED FOR ORDERS, THIS DAY AN ORDER IS MADE AS UNDER:

HC-KAR

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ORAL ORDER

Sri.Shreyas Acharya, counsel on behalf of Smt.Lakshmi Menon, for the applicants and Smt.Krutika Raghavan, counsel for the Official Liquidator appeared in person.

2. This application is filed seeking following reliefs:

> *That for the reasons stated in the affidavit accompanying the application, the applicants pray that this Hon'ble Court may be pleased to take the following document on record in the interest of justice:*
>
> *1. Statement of Axis Bank Account No.910020009415214 for the period 16.12.2019 pertaining to the applicant No.1, evidencing the inadvertent payment of Rs.1,39,571/- made on 16.12.2019 to the respondent herein, which is produced hereto as Annexure-A.*

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. Mr.Pavan Giri, Assistant Vice President - Finance and Accounts, representing the applicant No.1 has filed an affidavit narrating the reasons to allow the application.

5. The Court perused the reasons accorded in the affidavit. The applicant has stated that the Company did not have an opportunity to place the bank statement evidencing the inadvertent payment of Rs.1,39,571/- on 16.12.2019 on record at the time of filing of its statement of objections. It is also stated that the bank statement in question pertains to the transactions effected proximately seven years ago i.e., in December 2019. Given considerable time elapsed, locating and retrieving this specific document required extensive effort. It is further stated that it is only after the respondent filed the memo on 10.01.2025, disputing the inadvertent payment, the Company immediately undertook verification of all its records and thereafter approached the Axis Bank seeking the relevant account statement.

6. Suffice it to note that the applicant filed its statement of objections on 28.08.2024. The reasons set out in the affidavit do not constitute sufficient grounds for allowing the application. The Company could have approached the bank well in advance to obtain the relevant bank statements and produced the same along with its statement of objections. Nothing prevented the Company from doing so. However, the requisite due diligence has not been exercised. In the circumstances, C.A. No. 85/2026 stands ***dismissed***.

Sd/-
(JYOTI M)
JUDGE

SS
List No.:1 Sl No.:23