

Karnataka High Court

Mr Praveen Chander Chugh vs The Official Liquidator Of M/S ... on 2 December, 2009

Author: K.L.Manjunath And Kumar

IN THE HIGH COURT OF KARNATAKA;AQ"BH.13}.(;SALDREV_V " "

DATED THIS THE 2ND DAY' oE'DE<:é*;eM'EER,'"?;CQ9i:_j

THE HONBLE MR. JLTEHCE H_;.z»4ANJLTNATH

THE HoN'EL,E,;v1R. ARAVTND

o.s..wo.25

CQMEANY Vzw.' 181 1/2003

'H<ip}éEff1T1_e'1%g\$jo,66/ 1996

BETW.¥.rE.Ei\$ V. ' l g V

1. MT. PraV'eer1VChan_delf Chugh,
'S/'0. Late S.hv:"1.'i\I_. 'C."Chugh,
Aged about years,

- , N0."778;v15""Crdss, I Phase,
1I.P.Naga.r,V Bangalore.

Chugh,

. Shri. N.C.ChU.gh,
A_ged'~ai50ut 55 years,
_N0;[778, 15"] Cross, I Phase,
J. P'.'Nagar, Bangalore.

: Appellants

{By Sr1.Ad1tya Sondhl, Advocate)

AND:

The Official Liquidator, A. '
Of M / s. Sarnrat Ashoka Exports Ltd.;I_
{Company in Liquidation) '
Attached to Hon'ble

High Court of Karnataka,

IV Floor, D 8: F Wing;- . - _ --
Kendriya Sadan, Korar'n.angaIa.,. V" ~
Bangalore--560 034. C - ' __ _
vi L : Respondent

[By Sr1.V.Ja.yaa:art1, A:dvo.;c:-ate} V.

This Appeal' is 't'*i_iled""h under Section 483 of the
Compan_ies*Act,"11956, R./W Section 4 of the Karnataka High

Court Act, tA1V, V3agains<t__ the Order dated 21.08.2008 passed
in CA No. ' 1811, /: '0.3*in Cap No. 66/ 1996

Tiziésdtixppdeai 'eo"ln:ing on for orders, this day, ARAVIND
J, delivered the following:

JUDGMENT

88 before the Company Court have filed ovri,5g'in_ai: side appeal questioning the legality of order date*dL1.21.08.2008 passed in Company Application A 5] ' _Nio':_1811/2003 in Company Petition 66/1996. The appellants ddgwho were the Ex--Directors of the Company in liquidation filed their statements of affairs on 13-10-2008 which ought

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to have been filed within 21 days from 18'--.V1';2'El?.)2landfbezfree' . there was a delay in filing the Stat:e'n1ent'li'of condoning the said delay'-.__Co1r1'parly_ No}? I811/2003 came to be filed Clonipanyicourt. The learned Company :ptl'i..atv«.tl;ie" applicants have not sought for extension oftinie (3) of Section 454 of the: Rule 128 of the t□fficial Liquidator and only on sought for condonation of delay so, the application before the Company to be dismissed. on the ground that ' tlf1eap1%--ovis'ions of llaiv as referred to Supra were not invoked 2v...lWe'lll1aVe heard Sri.Aditya Sondhi, learned counsel appearing for the appellant and Sri.V.Jayaram, learned ":1? standing counsel appearing for Official Liquidator. □

3. During the course of arguments.' It"i's.:l:_;roi;1.gi'it to the notice of this Court that under stiniliarf'circums'tlancese co-- ordinate Bench of this Court-.i_n dated 15.10.2008 had .thel'dei'ay:Vfbyilrlding that procedure envisagedi-..u:I1dAer□fRule i'1._f2':v\$*>""of_ppthe Company Court Rules would not case and also on the l_'Vstat.en§1_ent 'of::av'fai1'sVV'filed by the applicants therein not affect the interest of _c_relditors and accordingly allowed the appeal. o V .o ,4. iperusval of the records as also order of the we find that the facts in the present case '«"are nature as found in OSA No.21/2008 and "fol103;Vi'11g:.*"judgement dated 15.10.2008 passed in OSA it pypNo:iZ.1;/2008, we allow this appeal set aside the order of the V"-leuarrled Company Judge dated 21-8-2008 passed in Company Application No.181/2003, in Company Petition *\$--/' sbb/;;.

No. 66/1996. Accordingly, we allow Cori1p:ajn3:z'ttlpplicatizarr3 No. 1811/2003 □ed by the afzpellla□ksbefc1fe"-the:'C_empany*_~ .1 Judge. In that View of the._Qrder..th'e Offici'ajl .6:LvlTqu'_l;dator:V:is directed to entertain the bf datlaireivfg□led by the appellants herein.' that if the Official Liquitdator defects in the statement;_ "ot be rectified by the appellaftte lmmmediately on pointing SQ;/...

JUDGE