

(2005) 02 RAJ CK 0022

In the Rajasthan High Court

Case No : Company Application No. 3 of 2005 and Company Petition No. 13 of 1986

Aristo Chemical

APPELLANT

Vs

Rajasthan Wooltex

RESPONDENT

Date of Decision : 04-02-2005

Acts Referred:

Companies (Court) Rules, 1959 — Rule 177

Citation : (2005) 63 SCL 81

Hon'ble Judges : S.K. Keshote, J

Bench : Single Bench

Advocate : Deepak Goyal, for the Appellant; S.N. Kumawat, for the Respondent

Judgement

S.K. Keshote, J.—Heard learned Counsel for the applicant on the admission of the matter.

2. Admit. Shri S.N. Kumawat, the Standing Counsel for the Official Liquidator, is present in the court : he accepts notice on behalf of the Official Liquidator, hence notice needs not to serve on the Official Liquidator.

3. Looking to the nature of the case the application is taken up for final hearing.

4. Heard learned Counsel for the parties on the merits of the matter.

5. This is an application under Rule 177 of the Companies (Courts) Rules, 1959 for condonation of the delay in filing the claim before the Official Liquidator on behalf of the Employees Provident Fund Organisation, Regional Office, Rajasthan, Jaipur.

6. The learned Counsel for the applicant submitted that the applicant has a claim/debt of Rs. 26,606 on the Company towards EPF Contribution etc. under the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952.

7. The learned Counsel for the parties are in agreement that this matter is

squarely covered by the decision of this Bench delivered today in S.B. Company Application No. 4/2005 in the matter of M/s. Spintex Tubes and Cons. Limited (In Liquidation).

8. For the reasons stated in the order dated 4-2-2005 delivered by this Bench in S.B. Company Application No. 4/2005, this application succeeds and the same is allowed.

9. The delay made in filing of the claim by the claimant before the Official Liquidator deserves condonation and accordingly the same is condoned. The Official Liquidator is directed to register the claim of the applicant and adjudicate it in accordance with the law.

10. The application accordingly stands disposed of.