

(2010) 08 UK CK 0138
In the Uttarakhand High Court
Case No : Company Appeal No. 01 of 2010

Ashok Kumar Sharma

APPELLANT

Vs

Official Liquidator under the Company Act and Tech Invest
(India) Pvt. Ltd.

RESPONDENT

Date of Decision : 30-08-2010

Acts Referred:

Companies (Court) Rules, 1959 — Rule 164

Citation : (2010) 08 UK CK 0138

Hon'ble Judges : Prafulla C. Pant, J; Nirmal Yadav, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard.

2. This appeal is directed against order dated 28.07.2010 passed by respondent No. 1 (official liquidator) communication vide letter No. OL/Tech Invest (India) P. Ltd/rejection 5229 dated 28.07.2010 whereby the said authority has rejected the petition filed by the appellant Ashok Kumar Sharma on the following grounds:

(i) Non-submission of information and documents relating to claim affidavit.

(ii) Not on proper affidavit.

3. Learned Counsel for the appellant submitted that appellant is workman who had claimed his dues payable to him by Company i.e. Tech Invest (India) Pvt. Ltd. under liquidation. It is argued that respondent No. 1 has rejected the claim petition without giving any opportunity to the appellant to remove the defects pointed out in the impugned order.

4. Having considered the submissions of learned Counsel for the parties and after going through the papers on record, this appeal preferred under Rule 164 of Company (Court) Rules, 1959 is disposed of with the direction that the appellant Ashok Kumar Sharma is allowed to remove the defects, pointed out in the

impugned order by respondent No. 1, within a period of one month from today whereafter respondent may pass an appropriate orders on the affidavit/claim filed by the present appellant before the said authority. In case, appellant fails to remove the defects within time allowed by this Court, the appeal shall stand dismissed.