

(2003) 07 RAJ CK 0091

In the Rajasthan High Court

Case No : Company Application No's. 23 to 27 of 2003 and Company Petition No. 30 of 1996

In Re: Rajasthan State Agro Industries Corpn.

Date of Decision : 25-07-2003

Acts Referred:

Companies Act, 1956 — Section 446

Citation : (2004) 54 SCL 454

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

Bench : Single Bench

Advocate : R.C. Joshi, for the Appellant; B.K. Sharma and B.C. Meena, for the Respondent

Final Decision : Allowed

Judgement

S.K. Keshote, J.—In this group of the company applications the applicants are praying for identical relief and thus the same are taken up for hearing together and are being decided by this common order.

2. Facts for deciding these applications are taken from S.B. Company Application No. 27 of 2003.

3. The applicant in S.B. Company Application No. 27/2003 filed a writ petition bearing S.B. Civil Writ Petition No. 6061/2002 in this Court against the State of Rajasthan and the Rajasthan State Agro Industries Corporation. It is stated that in case the writ petition is allowed the applicant shall be allowed for the family pension.

4. The Rajasthan State Agro Industries Corporation was ordered to be wound-up by this Court under its order dated 3rd of September, 1997. This application is filed u/s 446 of the Companies Act, 1956 for grant of permission to the applicant to proceed with the writ petition against the Rajasthan State Agro Industries Corporation (in liquidation).

5. Shri R.C. Joshi, the learned counsel for the applicants in all applications has produced for the perusal of the court the certified copy of the order dated

7-9-2001 in S.B. Company Application No. 52/2001. It is submitted that in identical matter this court has granted permission to the applicant therein to prosecute the writ petition in the court against the Rajasthan State Agro Industries Corporation.

6. It is not in dispute that the order of-winding up of the Rajasthan State Agro Industries Corporation was kept in abeyance/stayed by the Court. Thus, though winding-up order was passed but it was lying stayed. The Official Liquidator has not been appointed as its Liquidator. In view of those facts though prime facie, I am of the opinion that no such leave was required but as in the writ petition the court has asked the applicant to seek the leave of the Company Court, the permission is required.

7. Accordingly, these applications are allowed. The applicants are permitted to prosecute their writ petitions in the court concerned.