

(2003) 09 RAJ CK 0041

In the Rajasthan High Court

Case No : Company Application No. 154 of 2003 in Company Petition No. 30 of 1996

**In Re: Rajasthan State Agro Industries Corporation
 S.N. Kurmi**

Date of Decision : 19-09-2003

Acts Referred:

Companies Act, 1956 — Section 446

Citation : (2004) 120 CompCas 465 : (2005) 63 SCL 495

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

Bench : Single Bench

Advocate : B.K. Sharma and B.C. Meena, official liquidator, Arvind Gupta, for N.K. Maloo, for the Appellant;

Final Decision : Allowed

Judgement

S.K. Keshote, J.—Heard learned counsel for the parties and perused the contents of the application.

2. The applicant filed a writ petition bearing S. B. Civil Writ Petition No. 6473 of 1991 in this court against the Rajasthan State Agro Industries Corporation. It is stated therein that in case the writ petition is allowed the consequential monetary benefits are to be provided by the Rajasthan State Agro Industries Corporation (in liquidation).

3. The Rajasthan State Agro Industries Corporation was ordered to be wound up by this court under its order dated September 3, 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).

4. Shri Arvind Gupta, advocate, for Shri N. K. Maloo, learned counsel for the applicant, has produced for the perusal of the court the certified copy of the order dated September 7, 2001 in S. B. Company Application No. 52 of 2001. It is submitted that in an 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.

5. 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 is lying stayed. The official liquidator has not been appointed as its liquidator. In view of these facts, though, prima facie, I am of the opinion that no such leave is 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.

6. Accordingly, this application is allowed. The applicant is permitted to prosecute his writ petition in the court concerned.