

(2003) 11 RAJ CK 0042

In the Rajasthan High Court

Case No : Company Application No. 158 of 2003 and Company Petition No. 30 of 1996

In Re: Rajasthan State Agro Industries Corporation Ltd.

Date of Decision : 14-11-2003

Acts Referred:

Companies Act, 1956 — Section 446

Citation : (2004) 56 SCL 58

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

Bench : Single Bench

Advocate : L.L. Jain, for the Appellant; B.C. Meena, for the Respondent

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. 3493/2002 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 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).

4. Shri L.L. Jain, the learned counsel for the applicant, 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.

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 granted.

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