

(2004) 05 RAJ CK 0021

In the Rajasthan High Court

Case No : Company Application No. 13 of 2004, Company Petition No. 30 of 1996 and Civil Writ Petition No. 2900 of 2002

Mohammad Hanif

APPELLANT

Vs

Financial Advisor and Secretary, Rajasthan State Agro Industries Corpn. Ltd.

RESPONDENT

Date of Decision : 21-05-2004

Acts Referred:

Companies Act, 1956 — Section 446

Citation : (2005) 57 SCL 389

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

Bench : Single Bench

Advocate : Suresh Kashyap, for the Appellant; B.K. Sharma and B.C. Meena, for the Respondent

Final Decision : Allowed

Judgement

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

2. Admit. Issue notice to the respondent.

3. Mr. B.C. Meena, the Official Liquidator, accepts notice on behalf of the respondent, thus notice needs not to issue. Service is complete.

4. Learned counsel for the parties are in agreement that this matter is squarely covered by the order dated 25-7-2003 of this Court in S.B. Company Application No. 23 of 2003 in S.B. Company Petition No. 30 of 1996 - S.P. Gaur v. Rajasthan State Agro Industries Corpn. Ltd., thus the matter is taken up for final hearing.

5. Having heard learned counsel for the parties I am satisfied that this matter is squarely covered by the order dated 25-7-2003 of this Court in the Company Application aforesaid. It is not in dispute that, the order of winding-up of the Rajasthan State Agro Industries Corporation Limited was kept in abeyance by the stay order of the Court. Thus, the winding-up order was passed but it is stayed.

The Official Liquidator has not been appointed as its Liquidator.

6. In view of these facts, prima facie, I am satisfied that no such leave is required but as in the writ petition the court has asked the applicants to seek the leave of the Company Court, accordingly same is accorded.

7. The application is allowed. The applicants are permitted to prosecute their writ petition being S.B. Civil Writ Petition No. 2900/2000, before the Bench concerned.