

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CA No. 479 of 2014
WITH
CP No. 233 of 2008
IN THE MATTER OF:
M/S. DUNLOP INDIA LIMITED
- AND -
IN THE MATTER OF :
M/S. E.V. MATHAI & SONS.

AND

CA No. 737 of 2014
WITH
CP No. 233 of 2008
CA No. 495 of 2014
IN THE MATTER OF:
M/S. DUNLOP INDIA LIMITED
- AND -
IN THE MATTER OF :
M/S. E.V. MATHAI & SONS.

AND

CA No. 738 of 2014
WITH
CP No. 233 of 2008
CA No. 496 of 2014
IN THE MATTER OF:
M/S. DUNLOP INDIA LIMITED (IN LIQUIDTAION)
- AND -
IN THE MATTER OF :
M/S. E.V. MATHAI & SONS.

AND

CP No. 1140 of 2014
IN THE MATTER OF:
M/S. DUNLOP INDIA LIMITED (IN LIQUIDTAION)
- AND -
IN THE MATTER OF :
ASHOK KUMAR AGARWAL

BEFORE:

The Hon'ble JUSTICE SANJIB BANERJEE

Date : 22nd December, 2015.

Appearance:
Mr. Rohit Das, Adv.

Mr. Jishnu Saha, Sr. Adv.
Mr. Kumarjit Banerjee, Adv.
Mr. Pratik Ghose, Adv.
Mr. Sayak Mitra, Adv.

Mr. Aniruddh Poddar, Adv.
Mr. Uddipan Banerjee, Adv.

Mr. Paritosh Sinha, Adv.

Mr. Ravi Kapoor, Adv.
Mr. Sarathi Dasgupta, Adv.
Mr. Arijit Basu, Adv.

Mr. A. K. Mishra, Adv.

The Court : Yet again, the company or its management has resorted to the same gimmick. Lawyers appearing for the company have withdrawn without any representative of the company answering upon the matters being called on. It is evident that the company does not press its worthless scheme. The company has not deposited the sum of Rs.50 crore as directed by the order of December 17, 2015.

There is no subsisting order of the Supreme Court by which the Official Liquidator is required to stay his hands.

Accordingly, CA No. 495 of 2014 and CA No. 496 of 2014, which are the company's applications for making payments to its unsecured creditors, are dismissed with costs assessed at Rs.5 lakh to be paid by the principal person in control of the company, Pawan Kumar Ruia, to the Official Liquidator for its pro rata disbursement in accordance with law to the creditors of the company in liquidation. The Official Liquidator should now proceed to take possession of all books, records, documents, assets and properties of the company in liquidation and take control of its transactions.

The order of December 17, 2015 permitted the company or its management to indicate if there were any orders of any superior forum by which the Official Liquidator remained restrained from taking control of the company in liquidation or its assets and properties. The company was not able to show any relevant order on December 17, 2015 and is not represented today after lawyers previously representing the company have withdrawn.

CA No.479 of 2014 is an application for leave under Section 446 of the Companies Act, 1956 for the applicant to pursue its claim for mesne profits in an action initiated before the Small Causes Court, Mumbai. Such leave is granted, subject to the applicant being restrained for a period of six months from today from further prosecuting the matter and, thereafter, only upon previous notice to the Official Liquidator.

The Official Liquidator will file a report when these matters, save CA No.495 of 2014 and CA No.496 of 2014 which stand dismissed and CA No. 479 of 2014, which stands allowed, appear on January 7, 2016.

Urgent certified website copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(SANJIB BANERJEE, J.)

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