

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE EIGHTH DAY OF JULY,
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HON'BLE SRI JUSTICE: T. VINOD KUMAR

I.A. NOS. 4, 5 & 6 OF 2022
IN
COMPANY APPLICATION No. 433 OF 2017
IN
R.C.C. NO. 1 OF 2012

IN THE MATTER OF COMPANIES ACT, 1956
AND
IN THE MATTER OF M/S. SHREE GOURAAVI PLASTIC LTD., (IN LIQN.)

I.A. NO. 4 OF 2022:

Between:

Sri Paresh Dhanji Chheda, S/o. Dhanji Ramji Chheda, Flat No. 405, 406, "Arahant Aasniana", Dr. Bomanna Lane, Barkatpura, Hyderabad-27.

Petitioner/Respondent No.1
(Respondent No.1 in Com.P.A. No. 433 of 2017
On the file of the High Court)

AND

1. M/s. Shree Gouraavi Plastic Ltd., (in Liqn.), rep. by the Official Liquidator, High Court of Judicature at Hyderabad, The State of Telangana.

.... Respondent/Applicant
(Applicant in Com.P.A. No. 433 of 2017
On the file of the High Court)

2. Mrs. Deep Paresh Chheda, W/o. Mr. Paresh Dhanji Chheda, Flat No. 405, 406, "Arahant Aasniana", Dr. Bomanna Lane, Barkatpura, Hyderabad-27.
3. Smt. Manjula D. Chhedda, W/o. D.R. Chheda, Flat No. 405, 406, "Arahant Aasniana", Dr. Bomanna Lane, Barkatpura, Hyderabad-27.
(Respondents No. 2 & 3 are not necessary parties in this petition)

Respondents/Respondents No. 2 & 3
(Respondents No. 2 & 3 in -do-)

Whereas the application under Section 70 (2) of Code of Criminal Procedure, read with Rule 9 of Company Court Rules, praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to recall the Non Bailable Warrant issued the petitioner/Respondent No.1 in C.A. No. 433 of 2017 in R.C.C. No.1 of 2012

dated 24-06-2022, pending disposal of Com.P.A. No. 433 of 2017 on the file of the High Court.

I.A. NO. 5 OF 2022:

Between:

Mrs. Deep Paresh Chheda, W/o. Mr. Paresh Dhanji Chheda, Flat No. 405, 406, "Arahant Aasniana", Dr. Bomanna Lane, Barkatpura, Hyderabad-27.

Petitioner/Respondent No.2
(Respondent No.2 in Com.P.A. No. 433 of 2017
On the file of the High Court)

AND

1. M/s. Shree Gouraavi Plastic Ltd., (in Liqn.), rep. by the Official Liquidator, High Court of Judicature at Hyderabad, The State of Telangana.

.... Respondent/Applicant
(Applicant in Com.P.A. No. 433 of 2017
On the file of the High Court)

2. Sri Paresh Dhanji Chheda, S/o. Dhanji Ramji Chheda, Flat No. 405, 406, "Arahant Aasniana", Dr. Bomanna Lane, Barkatpura, Hyderabad-27.
3. Smt. Manjula D. Chhedda, W/o. D.R. Chheda, Flat No. 405, 406, "Arahant Aasniana", Dr. Bomanna Lane, Barkatpura, Hyderabad-27.
(Respondents No. 2 & 3 are not necessary parties in this petition)

Respondents/Respondents No. 1 & 3
(Respondents No. 1 & 3 in -do-)

Whereas the application under Section 70 (2) of Code of Criminal Procedure, read with Rule 9 of Company Court Rules, praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to recall the Non Bailable Warrant issued the petitioner/Respondent No.2 in Com.P.A. No. 433 of 2017 in R.C.C. No.1 of 2012 dated 24-06-2022, pending disposal of Com.P.A. No. 433 of 2017 on the file of the High Court.

I.A. NO. 6 OF 2022:

Between:

Smt. Manjula D. Chhedda, W/o. D.R. Chheda, Flat No. 405, 406, "Arahant Aasniana", Dr. Bomanna Lane, Barkatpura, Hyderabad-27.

Petitioner/Respondent No.3
(Respondent No.3 in Com.P.A. No. 433 of 2017
On the file of the High Court)

AND

1. M/s. Shree Gouraavi Plastic Ltd., (in Liqn.), rep. by the Official Liquidator, High Court of Judicature at Hyderabad, The State of Telangana.

.... Respondent/Applicant
(Applicant in Com.P.A. No. 433 of 2017
On the file of the High Court)

2. Sri Paresh Dhanji Chheda, S/o. Dhanji Ramji Chheda, Flat No. 405, 406, "Arahant Aasniana", Dr. Bomanna Lane, Barkatpura, Hyderabad-27.
3. Mrs. Deep Paresh Chheda, W/o. Mr. Paresh Dhanji Chheda, Flat No. 405, 406, "Arahant Aasniana", Dr. Bomanna Lane, Barkatpura, Hyderabad-27.
(Respondents No. 2 & 3 are not necessary parties in this petition)

Respondents/Respondents No. 1 & 2
(Respondents No. 1 & 2 in -do-)

Whereas the application under Section 70 (2) of Code of Criminal Procedure, read with Rule 9 of Company Court Rules, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to recall the Bailable Warrant issued the petitioner/Respondent No.3 in Com.P.A. No. 433 of 2017 in R.C.C. No.1 of 2012 dated 24-06-2022, pending disposal of Com.P.A. No. 433 of 2017 on the file of the High Court.

And whereas the Court upon perusing the application and the accompanying affidavits, and the earlier orders dated 14.03.2017, 13.04.2022, 10-6-2022 & 24.06.2022, and upon hearing the arguments of M/s. Pillix Law Firm, for the petitioners, and of Sri M. Anil Kumar, counsel for the Official Liquidator/Respondent No.1, made the following;

ORDER:

"The accused are present today before this Court.

I.A.Nos.4 and 5 of 2022 are filed to recall the non-bailable warrants issued by this Court, insofar as petitioners, who are accused 1 and 2, and I.A.No.6 of 2022 is filed to recall the bailable warrant issued to petitioner - accused No.3 for their non-appearance before the Court on 15.06.2022.

By the affidavit filed in support of the above said applications, the petitioners - accused state that due to miscommunication between the petitioners and the Advocate, the petitioners could not appear before the Court, on the date given and the non-appearance on the said date is neither willful nor wanton and was purely on account of the miscommunication that has taken place. Therefore, they seek for indulgence of this Court in recalling the non-bailable warrants issued against the petitioners-accused Nos.1 and 2

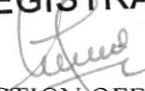
in I.A.Nos.4 and 5 of 2022 and bailable warrant issued against the petitioner – accused No.3 in I.A.No.6 of 2022.

Having regard to the submissions made, the non-bailable and bailable warrants are recalled, subject to payment of Rs.1,000/- (Rupees One Thousand only), each, to the Telangana State Legal Services Authority, High Court Buildings, within a period of two weeks from today.

List on 22.07.2022.”

//TRUE COPY//

Sd/- K.SRINIVASA RAO
JOINT REGISTRAR


SECTION OFFICER

To

1. The Commissioner of Police, Hyderabad City, Hyderabad (BY SPL. MESSENGER)
2. One CC to Sri M.Anil Kumar, Advocate (OPUC)
3. One CC to M/s. Pillix Law Firm, Advocates (OPUC)
4. One spare copy.

HIGH COURT

TVK,J

DATE: 08-07-2022

NOTE: POST ON 22-07-2022

ORDER

I.A. NOS. 4, 5, & 6 OF 2022

IN

COMPANY APPLICATION No. 433 OF 2017



NON-BAILABLE & BAILABLE WARRANTS RECALLED