

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPLAINT NO.1 OF 2014

IN

COMPANY PETITION NO.937 OF 2002

Official Liquidator of M/s. Kamlesh Shah
Publishers Distributors Pvt. Ltd. (In Liqn.) ... Petitioner
Vs.
Kamlesh Navinchandra Shah ... Accused

WITH

CHAMBER ORDER (L) NO.9653 OF 2021

IN

COMPLAINT NO.1 OF 2014

Ms. Akanksha Agrawal for Official Liquidator.

Mr. Satyajit Roul, Official Liquidator.

Mr. V. G. Nipane, Deputy Official Liquidator.

Mr. Amrendra Sinha a/w. Ms. Priyanka Suresh Kale for Accused No.1.

CORAM : MANISH PITALE, J.

DATE : MARCH 21, 2025

P.C. :

. In this complaint, the accused was granted last chance to respond to the complaint as per order dated 21.02.2025. This Court had also recorded the submission made on behalf of the Official Liquidator that list of witnesses had been filed way back on 08.02.2021 and that, since another person was to remain present as a witness, permission was sought for placing on record an affidavit in lieu of evidence, to be sworn by an appropriate witness on behalf of the official liquidator.

2. Despite last chance having been granted, the accused has chosen not to file any response to the complaint. It is surprising that the learned counsel appearing for the accused submits that he is waiting for the affidavit in lieu of evidence and documents to be filed by the Official

Liquidator. This is a procedurally incorrect stance taken by the accused.

3. But, since the learned counsel for the Official Liquidator is seeking further time of three weeks to file affidavit in lieu of evidence and she also seeks permission to replace the list of witnesses as well as to place on record appropriate documents, further indulgence can be shown to the accused.

4. In view of the above, the Official Liquidator is permitted to withdraw the documents already placed on record and to file a fresh set of documents along with the affidavit in lieu of evidence and list of witnesses, within a period of three weeks from today. The accused is granted further opportunity to file a response to the complaint within the said period of time.

5. List for further consideration on 29.04.2025, High on Board.

(MANISH PITALE, J.)

Minal Parab