



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6023/2023

Era T & D Ltd., Delhi, thr. Its authorized Signatory, Mr. Pankaj Rambilas Sarda (Director),
Bhandara

Vs.

State of Maharashtra, thr. Its Secretary, Department of Industries, Energy and Labour,
Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Deoul Pathak, Advocate for petitioner
Shri M.K. Pathan, AGP for respondent No.1

CORAM : SUNIL B. SHUKRE & SMT. M.S. JAWALKAR, JJ.

DATED : SEPTEMBER 21, 2023

. Heard.

2. Issue notice for final disposal at admission stage to the respondents, returnable after four weeks.

3. Shri M.K. Pathan, learned AGP waives service of notice for the respondent No.1.

4. At this juncture, the learned Counsel for petitioner prays for grant of interim relief. He submits that the petitioner is willing to deposit premium of Rs.8,09,500/- payable as per Circular dated 29/06/2009 for approving the formal transfer by the assets of the company. He further submits that since the petitioner has taken over the assets of the company, which was under liquidation

as per order passed by National Company Law Tribunal, New Delhi (NCLT), the transfer of the assets of the company in liquidation would have to be categorized as a formal transfer in terms of the Maharashtra Industrial Development Corporation (MIDC) Board Resolution No.3314 passed on 18/04/1998. He also relied upon the view taken in this regard by the learned Single Judge at Mumbai in the case of *M/s. Metal Tubes and Rolling Mills 2018 SCC OnLine BOM 2192*.

5. Having regard to the submissions made on behalf of the petitioner, we find that the issue regarding the nature of transfer of the assets of the company, being formal, as submitted by learned Counsel for petitioner, would have to be considered by this Court and, therefore, in the interest of justice, the interim protection would have to be granted to the petitioner. Accordingly, we direct that there shall be stay to the effect and operation of the impugned communication dated 16/09/2022, subject to the condition that the petitioner would deposit, with respondent/MIDC, an amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only), till the next date.

(JUDGE)

(JUDGE)