

SUPREME COURT OF INDIA

Pennar Paterson Ltd.

Vs.

Shikshak Sahakari Bank Ltd

C.A.No.4032 of 2002

(Tarun Chatterjee and Harjit Singh Bedi JJ.)

29.04.2008

ORDER

1. In this appeal, the appellant M/s. Pennar Paterson Ltd. calls in question whether the expression "other legal proceedings" occurring in Section 446(1) of the *Companies Act, 1956* includes criminal proceedings or not. The High Court by the impugned order has held that it does not, relying on a decision of this Court in the case of *M/s. BSI Ltd. & Anr. vs. Gift Holdings Pvt. Ltd. & Anr. Etc.*¹. The question involved in this appeal is also covered by the aforesaid decision relied on by the High Court. We do not find any merit in this appeal. The learned counsel appearing for the appellant also could not satisfy us nor could he distinguish the decision relied on by the High Court. Since the question is covered by the aforesaid decision of this Court, we do not find any merit in this appeal. Accordingly the appeal is dismissed with no order as to costs.

¹*AIR 2000 SC 926*