

IN THE HIGH COURT OF JUDICATURE AT PATNA

Company Petition No.1 of 2012

=====

Mrs. Rashmi A.Tibrewala, Proprietor, M/s Veshar Industries of Mumbai, Indian inhabitant having place of business at Business address at Flat No. 6, Tibrewala House, J.B.Nagar, Andheri(E), Mumbai-400059 and also at 123, Shivshakti Industrial-Estate, Opp. Mittal Estate, Andheri (E), Mumbai-400059, through her constituted attorney Mr. Avinash A. Tibrewala.

.... Petitioner/s

Versus

M/s Aglowmed Limited, a limited Company incorporated under the provisions of the Companies Act, 1956, having CIN U24232BR1983PLC001901 and having its registered office at Exhibition Road, Police Station, Gandhi Maidan, Patna, Bihar-800001 through its Directors.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Respondent/s : Mr. Kumar Devashish, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 05-02-2015

Heard learned counsel for the petitioner and learned counsel for Respondent no. 1 M/s Aglowmed Limited.

2. It was nonpayment of the amount of Rs. 21,35,880/- to the petitioner which had led her to file this company petition for winding up the Respondent no. 1.

3. Learned Counsel for Respondent no. 1 has submitted that payment of such amount has been already been made to the petitioner and in fact, an excess amount of Rs. 26,886/- has also been paid to the petitioner in view of the payment of Rs. 21,62,766/- made in between 15.06.2012 to 04.02.2013, as explained in Annexure-3 to the reply of the respondent no. 1.

4. There is no rejoinder to this averment made by the respondent no. 1 despite receipt of a copy of the reply of the respondent to the rejoinder of the petitioner on 16.07.2013. Learned counsel for the petitioner however seeks to orally explain that no payment has been made to the petitioner and the Respondent no. 1 claims to have only made such adjustment of the aforesaid amount in subsequent transaction of business with the petitioner.

5. In the opinion of this Court once this aspect of the matter becomes admitted that the amount claimed in this company petition has already been settled there would be no question of winding up of Respondent no. 1 at least at the instance of the petitioner.

6. This petition is, accordingly, dismissed but then nothing said in this order would come in this way of the petitioner to claim any further relief in any other appropriate proceeding including the two other company petitions pending before this Court as against winding up of the same company, the Respondent no.1.

Sujit/-

(Mihir Kumar Jha, J)

U			
---	--	--	--