

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

COMPANY PETITION NO.212 OF 2013

M/s. Star Wood Mercantile Co. Pvt. Ltd.	...	Petitioner
versus		
M/s. Columbus Trades Ltd.	...	Respondent

Mr. R.S.Shekhawat, for Petitioner.
Mr. Anand Mishra i/by Mr. A.M.Saraogi, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 8th APRIL, 2015

P.C.

1. By the above Company Petition, the Petitioner seeks winding up of the Respondent Company – M/s. Columbus Trades Ltd. (the Company), on the ground that the Company is unable to pay its debts. The Company Petition is taken up for hearing and final disposal.

2. This Court by its order dated 29-11-2013 after recording therein that the Company has by its letter dated 26th December 2012 admitted its liability qua the dues of the Petitioner and has admitted that it is unable to pay the same, admitted the above Company Petition and directed the same to be advertised. Pursuant to the said order dated 29th November, 2013, the Company Petition was advertised and an Affidavit of publication dated 20-03-2015 is on record.

3. Today, when the above Company Petition is taken up for hearing, the learned Advocate for the Company waives notice under Rule 28 of the Companies (Court) Rules, 1959 and submits on instructions, that the Company is unable to pay the dues of the Petitioner. In the circumstances, I am satisfied that the Company is unable to pay its debt, is commercially insolvent and deserves to be wound up. The Company Petition is therefore, allowed in terms of prayer clause (a), which is reproduced hereunder :

“(a) that the Company M/s. Columbus Trades Ltd, be wound up by an order and direction of this Hon'ble Court under the Companies Act, 1956;

4. The Official Liquidator shall forthwith act on a copy of this order without waiting for any Notification.

5. The Company Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)