

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 163 OF 2015
IN
COMPANY PETITION NO. 358 OF 2013

YMS Infrastructure & Construction Pvt.Ltd. ... Applicant

IN THE MATTER BETWEEN :

M/s. Gemini Equipment and Rentals Pvt.Ltd. ... Petitioner

Versus

The OL of YMS Infrastructure & Construction

Pvt.Ltd. ... Respondent

Ms.Gayatri Sharma a/w. Ms.Shuchi Mehta i/b. India Law for the Applicant
/ Respondent.

None for the Petitioner.

Ms.Pratiba, Assistant OL, present.

Mr.S. Ramakantha, OL, present.

CORAM : S.J. KATHAWALLA, J.

DATED : 27TH APRIL, 2015

P.C.

1. On 31st March, 2015 this Court passed the following order :

“1. By an ex-parte order of this Court dated 12th December, 2014 the Respondent Company – YMS Infrastructure and Construction Private Limited was directed to be wound up and the Official Liquidator, High Court Bombay was appointed as the Liquidator of the Respondent Company. The

Ex-Director of the Respondent Company has now taken out the above Application for setting aside the said ex-parte order dated 12th December, 2014. The learned Advocate appearing for the Respondent Company on instructions states that the Respondent Company is desirous of settling the claim of the Petitioner. In view thereof, the Official Liquidator shall issue advertisements in Free Journal (in English) and Nav Shakti (in Marathi) setting out therein that by an order dated 12th December, 2014 the above Company was ordered to be wound up and the Ex-Directors of the Respondent Company have now taken out the above Application for setting aside the said order dated 12th December, 2014. The Official Liquidator shall also invite claims from the Workers / Creditors of the Respondent Company if any and also clarify in the said advertisements that if no claims are received before the adjourned date, the Court shall proceed to hear the above Company Application and pass appropriate orders including setting aside of the ex-parte order dated 12th December, 2014.

Stand over to 27th April, 2015”.

2. The Official Liquidator as well as the Assistant Official Liquidator

have informed the Court that no claims have been received from the workers / creditors of the Company (in liquidation) in response to the advertisements. In view thereof, for the reasons set out in the Affidavit in support of the Company Application, the order dated 12th December, 2014 is set aside.

3. The learned Advocates appearing for the Petitioner and the Respondent have tendered Consent Terms dated 31st March, 2015. They submit that the Consent Terms be taken on record and the above Petition be disposed of in terms of the Consent Terms. The Consent Terms are taken on record and marked "X" for identification. The Consent Terms are signed by the Director of the Petitioner and the Managing Director of the Respondent. The Consent Terms are also signed by the Advocates for the parties. The above Petition is disposed of in terms of Consent Terms marked 'X'.

4. An amount of Rs.15,000/- towards the cost of the Official Liquidator shall be paid within a period of one week from today. The same shall be credited in the office expenses account.

5. The above Application as well as the Petition are accordingly disposed of.

(S.J. KATHAWALLA, J.)