

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO.81 OF 2013
ALONG WITH
COMPANY APPLICATION NO.200 OF 2014

Lok-Beta Pharmaceuticals (India) Private Limited ... Petitioner

Versus

EmProCell Clinical Research Private Limited ... Respondent

Mr. A. Bapat i/b. Mr. Satendra Kumar for the Petitioner.
None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 6TH FEBRUARY, 2015

P.C.

1. By the above Company Petition, the Petitioner seeks winding up of EmProCell Clinical Research Private Limited (the Company) on the ground that the Company is unable to pay its debt to the Petitioner. The above Petition is taken up for hearing and final disposal.

2. By an order dated 5th August, 2015, the parties had tendered Consent Terms in the above Petition and obtained an order in terms of the Consent Terms. The Company committed default in making payment as agreed under the Consent Terms. In view thereof, by an order dated 9th December, 2014, this Court admitted the above Petition and directed the same to be advertised. Pursuant thereto, the admission of the above

Petition was advertised in local newspapers as well as in Maharashtra Government Gazette. Notice under Rule 28 of the Companies (Court) Rules, 1959, has been served on the Company, as can be seen from the service report dated 6th January, 2015 filed by the Section Officer, Company Department. Notice of today's hearing has been given to the Company. However, the Company has not filed its Affidavit-in-Reply and has also not appeared before the Court to oppose the winding up of the Company. For the reasons set out in the order dated 9th December, 2014 and herein, I am satisfied that the Company is unable to pay its debts and deserves to be wound up. The Petition is therefore allowed in terms of prayer clauses (a) and (b), which are produced hereunder :

“(a) that the Company, viz. EmProCell Clinical Research Private Limited be ordered to be wound up by and under the orders and directions of this Hon'ble Court under the provisions of the Companies Act, 1956 ;

(b) that the Official Liquidator attached to this Hon'ble Court be appointed liquidator of the Company to take charge of all its assets, properties, vouchers, documents, bank accounts etc. to wind up the Company with all powers under the provisions of the Companies Act, 1956”.

3. The Official Liquidator to forthwith act on an ordinary copy of

this order, duly authenticated by the learned Associate of this Court without waiting for any further notification from this Court or from any other authority.

4. The above Application as well Petition are accordingly disposed of.

(S.J. KATHAWALLA, J.)