

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 243 OF 2010

Phoenix ARC Private Limited ... Petitioner

Versus

Paper Prints (India) Pvt. Ltd. ... Respondent

Ms. S. Dhorajiwala, instructed by M/s. Vidhi Partners, for the Petitioner.
None for the Respondent.

CORAM: S.J. KATHAWALLA, J.
DATE: 15TH APRIL, 2015

PC.:

1. By a detailed order dated 21st October, 2010, the above Company Petition was admitted and directed to be advertised. An Appeal was filed before the Division Bench of this Court being Appeal No. 38 of 2011 impugning the order passed by this Court dated 21st October 2010 which was dismissed by a detailed order dated 20th July 2012.
2. Pursuant to the said order dated 21st October, 2010, the admission of the Petition was advertised and the affidavits of publication dated 24th September, 2012 and 5th October 2012 are on record. Notice under Rule 28 of the Companies (Court) Rules, 1959, is served on the Company. The Petition is now taken up for hearing and final disposal. None appear for the Respondent-Company.
3. The Respondent-Company has not filed any affidavit in reply to the above Petition. All the contentions of the Petitioner in the Petition have therefore remained uncontroverted and there is no reason why the allegations /

submissions made by the Petitioner in the Company Petition should not be accepted. The Company has not come forward to oppose the Petition.

6. In view thereof, for the reasons set out in the orders dated 21st October, 2010, 20th July, 2012 and herein, I am satisfied that the Company is unable to pay its debts and deserves to be wound up. The above Company Petition is, therefore, allowed in terms of prayer clauses (a) and (b), which are reproduced hereunder :

“(a) That the Respondent Company i.e. Paper Prints (India) Private Limited, be ordered to be wound up by and under the orders and directions of this Hon'ble High Court under the provisions of the Companies Act, 1956;

(b) That the Official Liquidator attached to this Hon'ble High Court be appointed as the Liquidator of the Respondent Company i.e. Paper Prints (India) Private Limited, together with all its assets, business affairs, property, books of accounts, bank accounts, vouchers, files, documents, machinery, furniture and fixtures etc. with all powers under the provisions of the Companies Act, 1956.”

4. 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.

The above Company Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)