

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

COMPANY PETITION NO.389 OF 2012

M/s. RTS Films Pvt. Ltd.	...	Petitioner
versus		
M/s. Shree Vijayraj Entertainment and Software Pvt. Ltd.	...	Respondent

Ms. Mamta Shah, for Petitioner.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th FEBRUARY, 2015

PC.:

1. By the above Petition, the Petitioner seeks winding up of the Respondent Company – M/s. Shree Vijayraj Entertainment and Software Pvt. Ltd. (“the Company”) on the ground that it is unable to pay its debts. The Company Petition is taken up for hearing and final disposal.

2. The claim of the Petitioner arises under the Arbitration Award dated 04-03-2011. The Director and authorized representative of the Company were present at the time when the Award was passed. The award directs the Company to make payments of the amount of Rs.4,59,663/- to the Petitioner with interest @ 21% per annum from 28th July, 2004.

3. The Company Petition was admitted and directed to be advertised by an order passed by this Court (Coram : G.S.Patel, J.) dated 22nd

January, 2014. Pursuant to the said order, the admission of the Petition has been advertised and Affidavit proving publication dated 23-01-2015 is on record. Notice under Rule 28 of the Companies (Court) Rules, 1959, is served on the Company.

4. From the aforesaid facts, it is established that the amount as claimed by the Petitioner is due and payable by the Company to the Petitioner. The Company has failed to reply to the statutory notice or to make any payment after the receipt of the same. The Company has not filed its Affidavit-in-Reply and has also failed to appear before this Court at the stage of admission as well as the final hearing stage to oppose the Company Petition. In view thereof, all that is stated in the Petition has remained uncontroverted. I am therefore, satisfied that the Company is unable to pay its debts, is commercially insolvent and deserves to be wound up. The Company Petition is therefore, allowed in terms of prayer clauses (a) and (b), which are reproduced hereunder :

(a) M/s. Shree Vijayraj Entertainment and Software Pvt. Ltd., be ordered to be wound up by and under the directions of this Hon'ble Court under the provisions of the Companies Act, 1956;

(b) that the Official Liquidator, High Court, Mumbai, be appointed as the Liquidator of the said Company to take charge of all its assets, properties, bank accounts, books of

accounts, etc., with all powers under the Companies Act,
1956;

5. The Official Liquidator shall forthwith act on a copy of this order without waiting for any Notification.
6. The Company Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)