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

**COMPANY APPLICATION NO.463 OF 2014
IN
COMPANY PETITION NO. 127 OF 2011**

Shri Shaji Mathai Yohannan	...Applicant
In the matter between	
M/s RaDeeus Impex	...Petitioner
VS	
The Official Liquidator M/s Gloria Enterprises Ltd.	...Respondents.

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Mr Ashish Bhandari for the Petitioner
Ms Pratibha, Asst. Official Liquidator is present.
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CORAM : S.C. GUPTE, J.

JULY 08, 2015

P.C. :

The Company Application seeks recall of a winding up order. It is submitted by the Applicant, who is an ex-director of the Company in liquidation, that since the passing of the winding up order, the Respondent company and its Directors have arrived at an amicable settlement with the petitioning creditor under which a sum of Rs.12,00,000/- was accepted by the latter towards full and final settlement of its claim against the Company in liquidation. After the passing of the winding up order, the Official Liquidator has invited claims against the Company in liquidation by various public notices. The Official Liquidator has not received any claim from any worker or creditor of the Company in liquidation. The Official Liquidator has, accordingly, filed a report *inter alia* mentioning this fact (Report of the Official Liquidator dated 20 April 2015). In view of the fact that the claim of the petitioning creditor has been fully satisfied and there is no other claim against the Company in liquidation, a case is made out for recall of the winding up order.

2 Accordingly, the following order is passed.

- (i) The winding up order dated 16 August 2012, passed in Company Petition No.127 of 2011 is recalled and set aside;
- (ii) The Registrar of Companies, Mumbai and the Ministry of Corporate Affairs are directed to restore company's name on the Ministry of Corporate Affairs website;
- (iii) The Respondent company shall settle any claim for the period prior to this date, received in future from any worker or creditor of the company, directly;
- (iv) The Official Liquidator is permitted to pay a sum of Rs.13,934/- to M/s Admire Publicity Pvt. Ltd. towards the publication charges of the public notices calling for claims;
- (v) The Applicant shall pay Rs.25,000/- towards the costs and charges of the Official Liquidator. In addition to the sum of Rs.25,000/-, the Applicant shall pay the Central Government Commission as may be communicated to the Applicant by the Official Liquidator. The amount of such commission shall be paid within a period of two weeks from such communication;
- (vi) The Company Application and the Official Liquidator's Report are disposed of accordingly.

(S.C.GUPTE J.)