

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 427 OF 2013

B.J. Enterprises ... Petitioner
Versus
Trimurti Synthetics Limited ... Respondent

Mr. Ashish Kamath i/b. Dehlvi and Company for the Petitioner.
None for the Respondent.

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

P.C.

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

2. The above Petition was admitted and directed to be advertised by an order of this Court (Coram : G.S. Patel, J.) dated 12th February, 2014. Pursuant to the said order dated 12th February, 2014, the admission of the above Petition was advertised in two local news papers as well as in the Maharashtra Government Gazette. Affidavit proving publication dated 21st April, 2014 is on record. Notice under Rule 28 of the Companies (Court) Rules, 1959, is served on the Company by Speed Post, as can be seen from the service report dated 8th April, 2015 filed by the Section Officer,

Company Department. Even at this stage, no Affidavit opposing the Petition has been filed by the Company. 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.

3. For the reasons set out in the order dated 12th February, 2014 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) Trimurti Synthetics Limited, having their registered office, 1st Floor, 224, Kalbadevi Road, Bombay 400 002 (India) (the Company) be wound up by and under the orders and directions of this Hon'ble Court and under the provisions of the Companies Act, 1956 ;

(b) The Official Liquidator, High Court, Bombay, be appointed as the Liquidator of the Company with all necessary powers under the provisions of the Companies Act, 1956 including the power to take possession of all its books, papers, vouchers and assets (including illegal

alienated asset) etc”.

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.

5. The above Company Petition is accordingly disposed of.

(S.J. KATHAWALLA, J.)