

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 808 OF 2014

Shree Giriraj Metalex Private Limited ... Petitioner

Versus

Sanmati Pressings Private Limited ... Respondent

Mr. Anil Agarwal for the Petitioner.

Mr. Walimbe for the Respondent.

Mr. Laxman D. Ganage, Director of the Respondent, present.

CORAM : S.J. KATHAWALLA, J.
DATE : 17TH FEBRUARY, 2015

PC.:

1. By the above Company Petition, the Petitioner seeks winding up of Sanmati Pressings Private 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. According to the Petitioner, by an Order and Judgment dated 23rd December, 2013 passed by the Bombay City Civil Court in Summary Suit No. 2882 of 2013, the said Suit was decreed in favour of the Petitioner and the Company was directed to pay to the Petitioner a sum of Rs. 13,39,195/- and a sum of Rs. 16,121/- towards costs aggregating to Rs. 13,55,316/- with further interest at the rate of 10% p.a. on Rs.8,91,007/- from 23th December, 2013 until payment.

3. According to the Petitioner, the Company failed to pay the

decreetal amount to the Petitioner. The Petitioner therefore through its Advocate issued statutory notice dated 9th September, 2014 to the Company calling upon the Company to pay an amount of Rs. 14,18,785/- within a period of 21 days from the date of receipt of the said notice. Despite receipt of the said statutory notice, the Company failed and neglected to respond to the same or to make any payment as called upon therein. The Petitioner therefore filed the present Petition on the ground that the Company is unable to pay its debts and deserves to be wound up.

4. The above Company Petition was admitted and directed to be advertised by an order of this Court dated 6th January, 2015. An Affidavit dated 17th January, 2015 proving publication of admission of the above Petition is on record. Notice under Rule 28 of Companies (Court) Rules, 1959 is served on the Company.

5. The learned Advocate appearing for the Company states that the Company is unable to pay the decreetal amount to the Petitioner and the Petitioner should reduce its claim to Rs.8 Lacs. The Company has not filed its Affidavit-in-Reply. The City Civil Court, Bombay has in Summary Suit No. 2882 of 2013 passed an order and decree against the Company in the sum of Rs.13,39,195/- with interest at the rate of 10% per annum on Rs. 8,91,007/- from the date of the decree till payment and / or realization. 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.

6. For the reasons set out in the order dated 6th January, 2015 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) The Respondent Company M/s. Sanmati Pressings Private Limited having its registered office at CTS No. 1111, Flat No. 18, Silver Birch Model Colony, Pune – 411004 ordered to be wound up by and under the orders, directions and supervision of this Hon'ble Court.

(b) That the Official Liquidator, High Court, Mumbai or some other fit and proper person be appointed as liquidator of the Respondent Company with all powers under the provisions of the Companies Act, 1956 or later enactment”.

7. 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.

8. The above Company Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)