

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

***APPEAL (LODGING) NO.647 OF 2014
IN
COMPANY PETITION NO.463 OF 2013
WITH
NOTICE OF MOTION (L) NO. 2365 OF 2014
IN
APPEAL (L) NO.647 OF 2014
IN
COMPANY PETITION NO.463 OF 2013***

Immense Packaging Private Limited ... Appellant
Versus
The Hongkong & Shanghai Banking
Corporation Limited. ... Respondent

Mr. Jayesh Nishar i/by M/s. J. Nishar & Co. for the appellant.
Mr. Sonam Shethia i/by M/s. Juris Corp for the respondent.

***CORAM : MOHIT S. SHAH, C.J. &
G.S. KULKARNI, J.***

March 16, 2015

P.C.

By order dated 13 February 2015 of this Court, the proposed withdrawal of winding up petition was published in view of the settlement between the parties and payment of the entire sum of Rs.1.10 crore.

2. The learned counsel for the respondent places on record copy of the communication dated 9 March 2015 from the Official Liquidator addressed to M/s. Juris Corp, Advocates for the appellant and the report dated 14 March 2015 from the said advocates to the Official Liquidator. Both the letters are taken on record and marked Exhibits 'X' and 'Y' respectively.

3. It appears from the above that the proposed withdrawal of the winding up petition and notice to invite claims was published in the Free Press Journal and Navshakti, both dated 27 February 2015. The advocates for the respondent have also informed the Official Liquidator that in response to the said advertisement, they have not received any claim or notice from any creditor/contributory or person from 14 March 2015.

4. In view of the above developments, we see no impediment in recording the statement between the parties that the respondent has received full and final settlement of their claim for a sum of Rs.1.10 crores and that in view of the said payment, the parties have agreed that the impugned orders dated 11 August 2014 and 12 September 2014 passed by the learned Company Judge be set aside and Company Petition No.463 of 2013 be dismissed.

5. In view of the above consensus and in the absence of any objection in response to the notice of proposed withdrawal of winding up petition, we set aside the impugned orders dated 11 August 2014 and 12 September 2014 passed by the learned Company Judge in Company Petition No. 463 of 2013 and dismiss the said winding up petition.

6. The Official Liquidator shall inform the Registrar of Companies about this order and particularly about setting aside the aforesaid orders and dismissal of the winding up petition.

7. The appeal is accordingly allowed in the above terms. No order as to costs.

CHIEF JUSTICE

G.S. KULKARNI, J.