

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMPANY APPLICATION NO. 28 OF 2015****IN****COMPANY PETITION NO. 200 OF 2015**

M/s.Adarsh Enterprise

...Applicant / Petitioner

vs.

Raga Engineering Pvt.Ltd.

....Respondent

Mr.Vinay Kanodia i/b. Law Chamber of Siddharth Murarka for Petitioner.

CORAM : S.C. GUPTE, J.**31 August 2015****P.C. :**

The company petition, which is for winding up of the Respondent company on the case of a deemed inability to pay a debt of about Rs.32.57 lacs on account of goods sold and delivered, was admitted ex parte on 30 June 2015. This Court, in its order, had noted the acknowledgement of liability of the company in a signed statement of account and also dishonour of cheques issued by the company towards discharge of the liability, before the service of the statutory demand notice. There is neither compliance with nor reply to the statutory notice on the part of the company. The petition has been duly advertised and is expected to come up for final hearing soon. Even today there is no reply to the petition. The case of inability to pay its debt is uncontested throughout and no cause is shown to the winding up order till date. This application seeks appointment of a provisional liquidator. The allegations are that the Respondent is now trying to sell its assets and somehow get losses recorded in its books, by inflated purchase bills, lower sales invoices and payment of expenses. At the time of the admission order, this Court directed a fresh service of the application on the Respondent. The Petitioner has effected such service and filed an affidavit of service. There is no reply to the application. The Respondent has not joined issues with these allegations. None appears for the Respondent either. The

company application is allowed in terms of prayer clause (a), which is reproduced below :

(a) That pending the hearing and final disposal of the Petition, the Official Liquidator of this Hon'ble Court or some other fit and proper person be appointed as provisional liquidator of the Respondent company with all powers under the Companies Act, 1956 including power to take charge of all the assets, properties, stock in trade, books of accounts, papers, vouchers and bank accounts of the Company, etc.

(S.C. Gupte, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order :