

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 301 OF 2011**

B.I.F.R. ... Petitioner
Versus
M/s. Cana Glass Limited ... Respondent

None for the Petitioner.
None for the Respondent.

**CORAM : S.J. KATHAWALLA, J.
DATED : 12TH MARCH, 2015**

P.C.

1. By the above Company Petition, the Petitioner seeks winding up of M/s. Cana Glass Limited (the Company). The above Company Petition is taken up for hearing and final disposal.

2. The above Company Petition was admitted by an order of this Court (Coram:S.C. Dharmadhikari, J.) dated 18th August, 2011 and directed to be advertised.

3. Pursuant to the order dated 18th August, 2011, the admission of the above Company Petition has been advertised in two local news papers as well as in the Maharashtra Government Gazette and the Affidavit proving publication dated 12th October, 2011 is on record. Notice under Rule 28 of the Companies (Court) Rules, 1959, which was sought to be served on the Company is returned with the remark 'left', as can be seen from the Service Report dated 5th October, 2011 filed by the Section Officer, Company Department. Since the Notice was sought to be served

at the registered address of the Company, which address on that day was shown as the Registered Office of the Company in the record of the Registrar of Companies, the said Notice is deemed to have been served on the Company, though the same has been returned with the remark 'Left'. Even at this stage, none appear for the Company. No Affidavit opposing the Petition has been filed by the Company. All the contentions of the Petitioner in the Petition have therefore remained uncontroverted.

4. For the reasons set out in the order dated 18th August, 2011 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 and the Respondent Company is directed to be wound up. The Official Liquidator, High Court, Bombay is appointed as the Liquidator of M/s. Cana Glass Limited with all powers under the Companies Act, 1956 to take charge of all assets of the Company.

5. 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.

6. The above Company Petition is accordingly disposed of.

(S.J. KATHAWALLA, J.)