

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

COMPANY PETITION No.132 of 2013

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13.10.2015

Between:

M/s.Ultratech Cements Limited, Mumbai

...Petitioner

And

M/s.YESES Infrastructure Private Limited, Hyderabad

...Respondent

Counsel for the petitioner: Mr.S.Leo Raj

Counsel for the respondent: None appeared

The Court made the following:

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ORDER:

This company petition is filed for an order to wind up the respondent company for non-payment of the debts allegedly due to the petitioner.

After the company petition was admitted and the evidence was almost closed, the learned counsel for the petitioner started making representations before the Court that the respondent has approached his client for an out of Court settlement and paid a sum of Rs.2,00,000/- out of Rs.3,00,000/-, which was agreed to be paid by the respondent to his client, and that a cheque was also issued for the balance sum of Rs.1,00,000/- payable on 31.10.2015. At his request, the case was adjourned on 17.08.2015, 07.09.2015, 21.09.2015 and 05.10.2015. On the last of the aforementioned dates of adjournment, this Court has passed the following order:

“Learned counsel for the petitioner submitted that a week’s time may be granted finally for filing the Application under Rule 100 of the Companies (Court) Rules, 1959, for withdrawal of the Company Petition.

As the proceeding sheet speaks for itself, it is unnecessary to reiterate the contents thereof except to observe that the case is being adjourned from time to time to enable the petitioner to report settlement.

Considering the request of the learned counsel for the petitioner, the case is adjourned to 13.10.2015 finally. If the Application under Rule 100 of the Rules is not filed by the next date of hearing, the Company Petition shall automatically stand dismissed.”

Even today, when the case is taken up for hearing, Mr.S.Leo Raj, learned counsel for the petitioner, submitted that he has sent an affidavit for signature to his client and that he has not received the same. In the light of the order passed on 05.10.2015 as reproduced above, for non-filing of the application under Rule 100 of

the Companies (Court) Rules, 1959, the Company Petition stood dismissed.

(C.V.NAGARJUNA REDDY, J)

13th October, 2015

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