

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

COMPANY APPLICATION No.395 of 2015

In/and

COMPANY PETITION No.218 of 2014

Date:31.03.2015

COMPANY PETITION No.218 of 2014

Between:

M/s C.H.Robinson Worldwide Freight India
Private Limited, Hyderabad, repled by its
Authorized signatory-K.Kondal Rao,
Assistant Manager (Operations)

..... **Petitioner**

And:

M/s Empire Photovoltaic Systems Pvt
Ltd., Hyderabad.

....Respondent

Counsel for the Petitioner: Sri G.Rama Gopal

Counsel for the Respondent: Ms Deepti Anand
for Sri P.Vikram

The Court made the following:

COMMON ORDER:

The Company Petition is filed for an order to wind up the respondent for non-payment of the debt due to the petitioner.

This Court by order, dated 09.02.2015, admitted the Company Petition and directed the petitioner to cause publication of admission of the Company Petition in two daily newspapers, one in English and another in regional language (Telugu). Thereafter, apart from filing counter-affidavit, the respondent has filed Company Application No.395 of 2015 for recalling order, dated 09.02.2015.

In the affidavit filed by Mr.Dasu Donepudi, S/o Ramaiah, Manager (Finance and HR) of the respondent-company, in support of Company Application No.395 of 2015, he has stated that the respondent is ready and willing to pay the balance amount of Rs.3,81,921/- to the petitioner in three equal instalments on or before 30.05.2015.

When the case came up before this Court on 30.03.2015, Sri G.Rama Gopal, learned counsel for the petitioner, requested for a short adjournment for instructions from his client.

Today, at the hearing, learned counsel for the petitioner, submitted that in principle, his client has no objection for the proposal of the respondent.

In view of the agreement reached between the parties, this Court finds it appropriate to recall order, dated 09.02.2015, admitting the Company Petition.

Accordingly, Company Application No.395 of 2015 is ordered and order, dated 09.02.2015, is recalled and the Company Petition is dismissed subject to the following terms:

1. As undertaken by the respondent, it shall pay the balance sum of Rs.3,81,921/- to the petitioner in three equal instalments on or before

30.05.2015; and

2. in the event of default in payment of the above-mentioned sum, as undertaken by the respondent, the petitioner is entitled to seek revival of the Company Petition besides filing a Contempt Case for punishing the deponent of the affidavit in Company Application No.395 of 2015 for violation of the undertaking.

JUSTICE C.V.NAGARJUNA REDDY

31st March, 2015

DR