

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

Company Petition No.248 of 2013

Dated 13th July, 2015

Between:

Transformers and Rectifiers India Limited

...Petitioner

And

GSN Ferro Alloys Private Limited

...Respondent

Counsel for the petitioner: Sri Dinesh Babu E.

for Sri Lakshmi Kumaran

Counsel for the respondent: ---

The Court made the following:

ORDER:

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

This company petition was admitted on 02.07.2014. The petitioner caused publication of admission in the newspapers and filed proof of the same. The case has been coming up for evidence from 05.11.2014. On 22.06.2015, this Court has passed the following order:

“The learned counsel for the petitioner requested for a further adjournment by stating that the original records are not traced.

Though the petitioner has taken time on many occasions for leading evidence, it is not ready to proceed with the trial. However, as a last chance, the case is adjourned to 06.07.2015, by making it clear that if affidavit-evidence is not filed by the next date of hearing, this Court will be left with no option other than dismissing the company petition.”

The learned counsel for the petitioner filed a Memo, dated

06.07.2015, wherein it is stated that as the case is coming up for filing affidavit in lieu of examination-in-chief of the petitioner's witness and marking of documents, the learned counsel has sent numerous e-mails to the petitioner informing it about the status of the case and for providing instructions for filing chief affidavit and original documents and that till date, no instructions have been received from the petitioner. The learned counsel has, therefore, requested for taking on record this Memo and passing appropriate orders. Along with the Memo, the learned counsel has filed several e-mails in support of the facts stated in the Memo.

At the hearing, the learned counsel for the petitioner reiterated the contents of the Memo and requested the Court to pass appropriate orders.

Inasmuch as the petitioner has failed to avail several opportunities given to it for leading evidence and in the light of the Memo filed by its counsel, it is reasonable to presume that the petitioner is not interested in pursuing its cause in the company petition.

Therefore, the order, dated 02.07.2014, whereby the company petition is admitted, is re-called and the company petition is dismissed for non-prosecution.

As a sequel to dismissal of the company petition, Comp.A.No.1173 of 2013 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

13th July, 2015
VGB