

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Company Petition No.53 of 2011 (O&M)
Date of Decision: 20.1.2015

M/s MEGAINPHARM GmbH

.....Petitioner

versus

M/s ESS ESS Techno Consult Private Limited

.....Respondent

CORAM: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rohit Khanna, Advocate for the petitioner.

Mr. C.B.Goel, Advocate for State Bank of India.

Ms. Nimrata Shergill, Advocate with
Mr. Manjit Singh, Assistant Official Liquidator.

Mr. V.M. Gupta, Advocate for the tenants.

.....

RAJESH BINDAL, J.

CA No.312 and 324 of 2014

Learned counsel for the applicants submitted that the applicants, who were in possession of the part of the asset owned by the respondent-company have filed the present applications seeking permission to deposit the rent of the building with the Official Liquidator from the date, the petition was admitted and the Provisional Liquidator was appointed. He further submitted that till April, 2011, rent has been paid to the respondent-company and for the period subsequent, the same is due.

Let the amount for the period from May, 2011 onwards be deposited with the Official Liquidator within a period of one month.

CAs stand disposed of.

CP No.53 of 2011 (O&M)

The winding up petition against the respondent-company was admitted vide order dated 4.3.2014. The Official Liquidator was appointed as Provisional Liquidator. The citation was directed to be published in the newspapers and the Official Gazettee of Chandigarh. The needful was done.

Reply has been filed by State Bank of Patiala, Sector 7-C, Chandigarh dated 22.12.2014.

Learned counsel for the Bank submitted that the Bank has already filed a petition before the DRT-I, Chandigarh for recovery of its debt secured against the assets of the company otherwise the Bank has no objection to winding up of the respondent-company.

Mr. V.M. Gupta, Advocate appearing for the tenants, in possession of the part of SCO No.31, Sector 31-D, Chandigarh owned by the respondent-company, submitted that he does not have any objection to the winding up of the respondent-company.

No other creditor or any other person has raised objection to the winding up of the respondent-company.

Since, none of the secured creditors objected to winding up of the company, namely, M/s ESS ESS Techno Consult Private Limited, the same is accordingly ordered to be wound up. The Official Liquidator is appointed as Liquidator of the company and he is directed to take over the charge of the records, moveable and immovable assets of the company, if not taken over earlier.

Let notice of the winding up be published in the newspapers namely, 'Indian Express' (English) and 'Dainik Tribune' (Hindi) and in the Official Gazette of Chandigarh Administration, U.T., Chandigarh.

Disposed of.

Ordered accordingly.

(Rajesh Bindal)
Judge

20.1.2015

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