

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

Company Petition No. 18 of 2012 O&M)

Date of decision : 27.1.2015

M/s Wheels Scaffolding India Limited

... Petitioner

VS

Creative Hi-Tech. Builders & Engineers Private Limited ... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Deepak Suri, Advocate, for the petitioner.

Mr. Gaurav Singh Rana, Advocate, for the respondent.

Rajesh Bindal, J.

The present petition for winding up of the respondent company was filed by the petitioner alleging that a sum of ₹ 1,28,369/- was payable by the respondent company, which was not cleared despite notice. It was claimed that against the total material of ₹ 2,56,040/- supplied by the petitioner, part payment was made.

In reply to the petition, it was stated by respondent company that material for a total sum of ₹ 10,88,369/- was supplied by the petitioner to the respondent company against which a sum of ₹ 11,25,839/- was paid. Invoices were not raised in terms of the agreed conditions. The petitioner did not pay the freight for the transportation. These discrepancies were later on admitted by the petitioner. The respondent company had issued certain debit notes on account of wrong charging of excise duty and education cess in the bills but the same has not been even mentioned by the petitioner in the company petition. The quality and quantity of the material supplied was also disputed. These averments were made in the reply which was filed way back in the year 2013. No replication has been filed by the petitioner to explain the position.

Considering the fact that basic facts in the present petition are in dispute namely the quantity and the value of the goods supplied by the petitioner besides other terms and conditions thereof, in my opinion, the

debt being disputed, the petition for winding up cannot be entertained.
Hence, the same is dismissed.

27.1.2015
vs

(Rajesh Bindal)
Judge