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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CO.PET. 709/2015

IN THE MATTER OF SHIVRAJ HOLDING PVT. LTD. (VOL.LIQN.)

Through Mr. Kanwal Choudhary, Advocate for Official Liquidator.

CORAM :
HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

% **<u>SUDERSHAN KUMAR MISRA, J.</u>** (Oral)

1. This is a petition filed under Section 497(6) of the Companies Act, 1956 by the Official Liquidator for voluntary winding up of Shivraj Holdings Private Limited (in voluntary winding up).

2. The Company has passed a special Resolution in its Extraordinary General Meeting held on 30.04.2014 for voluntary winding up of the Company, wherein, Sh. Vinod Sahani was appointed as a Voluntary Liquidator of the Company.

3. The Registrar of Companies was informed regarding the voluntary winding up and the appointment of the Voluntary Liquidator. Notices under Rule 315 of the Company Court Rules (1959) were issued and requisite forms were filed with the Registrar of Companies.

4. The declaration of solvency was executed and approved by the Board of Director in their meeting held on 05.04.2014, and the same has been filed with the office of the Registrar of Companies in Form 149 as prescribed under Rule 488 of the Companies (Court) Rules, 1959.

5. The Voluntary Liquidator has filed the requisite forms and notices were published in the Official Gazette dated24.05.2014 as well as in two newspapers in the Delhi Editions of THE HINDU (English) and VEER ARJUN (Hindi) dated 01.05.2014 along with the Memorandum of Association and Articles of Association with the Office of the Official Liquidator.

6. Pursuant to Section 497 of the Companies Act, 1956, final Extraordinary General Meeting was held on 30.04.2014 and the Voluntary Liquidator filed the final accounts of the Company in Forms No.156 and 157, as prescribed under Rules 329 and 331 of the Companies Court Rules, (1959), before the Registrar of Companies and to the Official Liquidator.

7. The Official Liquidator has received 'No Objection Certificates' from the Registrar of Companies and the Income Tax Department. The shareholders of the said company have filed an Indemnity Bond with the Official Liquidator to the effect that to pay and settle all lawful claims arising in future after the winding up of the company/ to indemnify any person for any losses that may rise pursuant to the winding up of the company/to settle all lawful claims and liabilities which have not come to occur to notice up to this stage, even after the name of company has been struck off or after the winding up of the company.

8. The Official Liquidator has scrutinized the records submitted by the Voluntary Liquidator and has recorded satisfaction that necessary compliances of Section 497 of the Companies Act, 1956 and the other relevant provisions of the Companies Act, 1956 have been made and

that the affairs of the Company have not been conducted in a manner prejudicial to the interest of its members or to the public.

9. The Official liquidator, in these circumstances, has sought winding up and final dissolution of the Company from the date of filing of the petition, i.e., 09.09.2015.

10. In view of the above, and the satisfaction recorded by the Official Liquidator, the Company is wound up and shall be deemed to be dissolved with effect from the date of the filing of the petition, i.e., 09.09.2015.

11. Copy of the order be filed by the Official Liquidator with the Registrar of Companies within the statutory period as per the Companies Act, 1956.

12. The petition stands disposed off.

SUDERSHAN KUMAR MISRA.
(JUDGE)

SEPTEMBER 18, 2015