

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY PETITION NO.229 OF 2014

Amrish Shashikumar Vedak

....Petitioner

V/s.

Octamec Engineering Limited

....Respondent

Mr. N.G. Chhatre a/w. Ms. Swati P. Sutar for the petitioner.

None for the respondent.

Ms. Pratibha Ramaswamy, Assistant Official Liquidator present.

CORAM : K.R.SHRIRAM,J

DATE : 24th FEBRUARY, 2016

P.C.:-

1 The Assistant Official Liquidator states that the company is already ordered to be wound up in Company Petition No.548 of 2014 by an order dated 26th February, 2015. The counsel for the present petitioner states that the claim of the petitioner in Company Petition No.548 of 2014, as per their information, has been settled. The Assistant Official Liquidator states that the order of winding up passed on 26th February, 2015 has not been recalled. Therefore, technically the winding up proceedings are still on going.

2 In any event, the counsel for the petitioner states that in compliance with the order dated 30th November, 2015, the admission of the petition has been advertised in Free Press Journal (in English) and

Navshakti (in Marathi) as also in Maharashtra Government Gazette. In the newspapers it was published on 6th January, 2016, respectively and in the Maharashtra Government Gazette the notification was issued for the period from 21st January, 2016 to 27th January, 2016. The petitioner has also filed an affidavit of one Swati Sutar affirmed on 22nd February, 2016 confirming service.

3 As regards the notice issued under Rule 28 of the Companies (Court) Rules, 1959, it appears from the service report that the packet that was sent to the Company's Sakinaka address has been delivered on 21st December, 2015 and the packet that was sent to Vile Parle address has been returned undelivered with the endorsement "left".

4 The company has not filed any reply despite service. Nobody is also present today to oppose the petition. I am satisfied that the company is unable to pay its debts. The petition, therefore, is disposed in terms of prayer clauses – (a) and (b), which read as under :-

(a) That the respondent company Octamec Engineering Limited be wound up under the provisions of the Companies Act, 1956 by and under the order and directions of this Hon'ble Court;

(b) That the Official Liquidator of this Hon'ble Court or some other fit and proper person be appointed as the Liquidator of the respondent company with all the necessary powers under the provisions of the Companies Act, 1956."

5 Order accordingly.

6 The Official Liquidator shall forthwith act on a copy of this order without waiting for any notification.

(K.R.SHRIRAM,J)