

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

**COMPANY APPLICATION NO.137 OF 2015
IN
COMPANY PETITION NO.298 OF 2015**

Vishnu S. Sindwani ... Applicant

In the matter between :

Vishnu S. Sindwani ... Petitioner

Versus

Palace Gardens Chennai SEZ Pvt. Ltd. ... Respondent

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Mr. Jaydeep Raut i/b Ms. Neha Choksi for the Applicant.

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CORAM : S.C.GUPTE, J.

DATE : 29 NOVEMBER 2016.

P.C. :

• Heard learned Counsel for the Applicant.

2 This application is for appointment of a provisional liquidator for the Respondent-company, against whom a winding up petition has already been admitted. This Court noted in its order dated 16 November 2016 that despite service of the application, none had appeared for the Respondent. As a last chance to the Respondent-company, the application was stood over to today's date. The Applicant was also directed to give a fresh notice of the next date of hearing to the Respondent and file an affidavit in proof of such notice. An affidavit dated 21 November 2016 has been filed by the Applicant in this behalf.

3 Despite notice of the application and even a special notice as directed by this Court, none appears today for the Respondent. The Applicant has stated various circumstances in his petition, which call for appointment of a provisional Liquidator. These circumstances include not just the commercial insolvency and inability to pay its lawful debts in the ordinary course of its business on the part of the Respondent-company, but the fact that the Respondent-company has been diverting its funds with the intention of rendering the Respondent-company a shell company. The Applicant has also referred to the circumstance that the Respondent-company has not been responding at all to any of the Applicant's communications.

4 In the premises, since none of the averments of the Applicant is controverted, and since despite of several notices, no cause is shown at the hearing of the application, the same is allowed in terms of prayer clauses (a) and (b).

5 The Official Liquidator shall forthwith take charge of the assets and books of the Respondent-company in terms of prayer clause (b).

(S.C.GUPTE, J.)