

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

COMPANY PETITION NO. 308 OF 2013

Big CBS Networks Pvt. Ltd.

.. Petitioner

Vs.

M/s. Titan Media and Communication
Pvt. Ltd.

.. Respondent

Mr.Mahendra V. Swar for petitioner.

None for respondent.

**CORAM : K.R.SHRIRAM, J.
DATE : 23RD FEBRUARY, 2016**

P.C.

1 This petition is filed seeking winding up of the company on the ground that the company is unable to pay its debt. It is alleged that the petitioner is owed by the company a sum of over Rs.1,07,37,120/-. The debt arises out of a Distribution Agreement dated 21.09.2011 executed between the parties whereby the petitioner appointed the respondent as Distributor to render the services specified in the agreement. The term of the agreement was for 15 months commencing from 12.09.2011 and ending on 23.12.2012.

2 In consideration of the authority conferred by the petitioner on the respondent to distribute its channel “BCN channels” in the territory under the terms of the agreement, the respondent agreed to pay a guaranteed

amount of Rs.8,00,000 on or before 10th of every month. The respondent defaulted in making the payment under the agreement. As a result, the petitioner sent demand notices. Despite receiving the demand notices, the company did not pay and hence the petitioner sent a statutory notice dated 3.12.2012. There was no reply from the company. The company also did not comply with the demand. The petition came to be admitted on 19.12.2015. The company has not filed any reply to the petition and nobody is also appearing for the company today to oppose the petition.

3 The company petition has been advertised on 4.12.2015 in 'Free Press Journal' in English and 'Navshakti' in Marathi. Publication in Maharashtra Government Gazette was made on 17.12.2015. The affidavit of one Samrat Mahendra Rasal affirmed on 17.12.2015 proving service is in file. Notice under Rule 28 of the Companies (Court) Rules, 1959 which was sent, has been returned by the Postal Authority with the remark 'left'. Even when the petitioner tried to serve a copy of the order dated 19.12.2015 by hand delivery as well as by Registered Post A.D., the service could not be accomplished because the registered office of the company was closed. Another affidavit of the same Samrat Mahendra Rasal affirmed on 6.01.2016 to this effect is also on record. The advocate for the petitioner has tendered an extract from the website of the Ministry of Corporate Affairs

which was taken by him on 22.02.2016 at 9:31 p.m. in which the registered office of the company is shown to be the same as in the cause title.

4 Even at this stage, none appeared for the company to oppose the company petition. In view thereof, I am satisfied that the company is unable to pay its debt, is commercially insolvent and deserves to be wound up. The company petition is, therefore, allowed in terms of prayer clauses (a) and (b) which are reproduced herein under :-

(a) *that the Company namely Titian Media and & Communication Pvt. Ltd. be wound up by this Hon'ble Court under the provisions of the Companies Act, 1956.*

(b) *that the Official Liquidator, High Court, Bombay be appointed Liquidator with authority and all powers under Section 457 of the Companies Act, 1956 to take charge and deal with the assets/properties of the said company in accordance with law.*

5 The official liquidator shall forthwith act on a copy of this order without waiting for any notification.

6 The company petition is accordingly disposed.

(K.R. SHRIRAM, J.)