

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

**COMPANY APPLICATION (L) NO.450 of 2016
IN
COMPANY PETITION NO.254 OF 2014**

M/s Voyage Logistic Pvt. Ltd.	...	Applicant / Org. Respondent
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In the matter between :

N.R. Traders Pvt. Ltd.	...	Respondent / Org. Petitioner
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Versus

M/s Voyage Logistic Pvt. Ltd.	...	Applicant/ Orig. Respondent
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And

Official Liquidator	...	Respondent
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Mr. R.R. Verma i/b Mr. Ashok M. Saraogi for the Applicant/Original Respondent.

Ms. Yogini Chauhan, Dy. Official Liquidator present.

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CORAM : S.C.GUPTE, J.

DATE : 19 AUGUST 2016.

P.C. :

. Heard learned Counsel for the Applicant. The Applicant, who is the original Respondent Company in the Company Petition for winding up, seeks to set aside an ex-parte order of winding up passed by this Court on 28 August 2014 in the Company Petition herein. The Company Petition for winding up is based on a debt of Rs.1,05,800/-. After the passing of the winding up order, through well wishers of the Directors of the company in

liquidation, the Petitioner's debt has been duly discharged. It is the case of the Applicant that besides the liability of the original Petitioner, there is no other liability owed by the Company and that in the premises, winding up order be recalled and set aside and the status of the company be restored.

2 In pursuance of a public notice issued by the Official Liquidator in response to a similar application made earlier for setting aside the same winding up order inviting claims against the Applicant-Company, the Official Liquidator has not received any claims from creditors or workmen save and except a claim from the Income-tax Department. The claim of the Income-tax department aggregates to Rs.1.16 Crores. In view of this claim, the earlier Company Application for setting aside the winding up order was withdrawn with liberty to file a fresh application as and when the demand of Income-tax is met or set aside by any competent forum or court. It is submitted by the Applicant that the Applicant-Company has preferred an appeal before the Commissioner of Income-tax challenging the assessment order, on the basis of which the Income-tax Department has made its claim. Learned Counsel for the Applicant, after taking instructions from his client, undertakes to the Court to comply with the final assessment order upon disposal of the appeal and any subsequent challenge in respect of the assessment order. The undertaking is accepted and the Company Application, in the premises, is allowed in terms of prayer clause-(a).

3 The charges of the Official Liquidator, quantified at Rs.25,000/-, shall be paid by the Applicant within a period of two weeks from today.

4 The Official Liquidator shall discharge the dues of the Advertising Agency for issuance of the public notice from out of the funds available to the credit of the Company.

(S.C.GUPTE, J.)