

dik

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

COMPANY PETITION NO. 880 OF 2014

Rapid Radio Solutions Pvt. Ltd.	...Petitioner
vs	
Beegees Computers Pvt. Ltd.	...Respondent

.....
Mr Jay Joshi a/w Ms Bhairavi Pathare a/w Mr Niteen Menon i/b M/s
I.R.Joshi & Co. for the Petitioner.
Ms Deepti Panda a/w Mr Pratik Amin i/b Maniar Srivastava
Associates for the Respondent.
.....

CORAM : B. P. COLABAWALLA J.

JUNE 06, 2016

P.C. :

This Company Petition has been filed seeking to wind up the Respondent Company M/s Beegees Computers Pvt. Ltd. on the ground that it is unable to pay its debts. The claim in the petition arises out of the supply of some software by the Petitioner to the Respondent company which were installed in the office of Hindustan Aeronautic Ltd. The claim in the petition along with interest is a sum of Rs.7,58,657/-. After the matter was argued for some time, the parties have agreed to the following order being passed;

(i) The Respondent company undertakes to pay the

principal sum of Rs.5,97,368/- to the Petitioner, and the Petitioner in turn has agreed to accept the said sum in full and final settlement of its claim in the present Company Petition;

- (ii) The aforesaid sum of Rs.5,97,368/- shall be paid by the Respondent Company to the Petitioner on or before 1 August, 2016. If the said payment is made on or before said date, this Company Petition shall stand dismissed and the Petitioner shall have no claim against the Respondent Company in relation to subject matter of the Company Petition;
- (iii) In the event, the Respondent Company commits default in making the aforesaid payment or any part thereof, the Company Petition shall stand admitted and made returnable on 29 August, 2016. It shall thereafter be advertised in two local newspapers viz. (i) **“Free Press Journal”** (in English) and (ii) **“Navshakti”** (in Marathi) as also in (iii) **“Maharashtra Government Gazette”**. Any delay in publication of the advertisement in the Maharashtra Government

Gazette and any resultant inadequacy of notice shall not invalidate such advertisement or notice and shall not constitute non-compliance with this direction or with the Companies (Court) Rules, 1959;

(iv) In the event, the Company Petition shall stand admitted, the Petitioner shall, on or before 10 August, 2016 deposit a sum of Rs.10,000/- towards publication charges with the Prothonotary and Senior Master of this Court under intimation to the Company Registrar, failing which the Company Petition shall stand dismissed for non-prosecution without further reference to the Court. After the advertisements are issued, the balance, if any, shall be refunded to the Petitioner;

(v) The Company Petition is disposed of, accordingly. There shall be no order as to costs.

(B. P. COLABAWALLA J.)