

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

COMPANY PETITION NO.491 OF 2012

Swapnil B. Sawant	...	Petitioner
Versus		
M/s Chirag Feeds Pvt. Ltd.	...	Respondent

.....

None for the Petitioner.

Mr. P.M. Shah a/w Mr. N.M. Dedhia and Mr. Mittal Sawala for the Respondent.

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CORAM : S.C.GUPTE, J.

DATE : 16 NOVEMBER 2016.

P.C. :

. This company petition seeks winding up of the Respondent-company on the ground of inability to pay its debts. There is no defence to the claim of the Petitioner as mentioned in the order passed on 22 November 2012. There is no affidavit filed since the passing of that order dealing with the Petitioner's claim. Besides the Petitioner's claim, there are several other claims against the Respondent-company.

2 As noted by this Court in Civil Application No.187 of 2014 filed by the secured creditor Jan Kalyan Sahakari Bank Ltd, the Respondent-company owes an amount of over Rs.5 crores to Jan Kalyan Sahakari Bank Ltd. In pursuance of the directions passed by this Court, a detailed affidavit has been filed by the Respondent-company setting out the statement of its accounts, including income tax records, separately in a compilation of documents. From the materials on record, it appears that

there are substantial claims against the Respondent-company to which, it has no defence and which it is unable to discharge. Prima facie the company is clearly unable to pay its debts and is commercially insolvent.

3 In the premises, the following order is passed :

(i) The petition is allowed and the Company is ordered to be wound up;

(ii) The Official Liquidator, High Court, Bombay is appointed as a liquidator of the Company;

(iii) The Official Liquidator shall forthwith act on a copy of this order without waiting for any Notification;

(iv) The Company Petition is, accordingly, disposed of.

(S.C.GUPTE, J.)