

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

COMPANY PETITION NO.168 OF 2015

M/s Tata Capital Financial Services Ltd. ... Petitioner

Versus

M/s Union Batteries Private Limited ... Respondent

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Mr. Shavez Mukri a/w Ms. Nishitha Nambiar i/b Indialaw for the Petitioner.
None for the Respondent.

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CORAM : S.C.GUPTE, J.

DATE : 29 NOVEMBER 2016.

P.C. :

. After admission of the petition, the petition was duly advertised in local Newspapers and also in Government Gazette and affidavit of such publication has already been filed by the Petitioner. After publication, at the hearing of the petition, an undertaking was given before the Court by the Respondent on 29 April 2015 for payment of an amount of Rs.15,00,000/- on or before 15 May 2015. Despite this undertaking, no amount was paid by the Respondent-company to the Petitioner. On the last occasion, i.e. on 5 August 2016, when the matter was called out for the hearing, none appeared for the Respondent. The matter was, accordingly, stood over to the next date. Even today, none appears for the Respondent. The petition is based on a term loan extended by the Petitioner to the Respondent. There is no dispute raised at any stage with regard to the Petitioner's debt as per particulars of claim filed at Exhibit 'G' to the petition. The total dues are in the sum of Rs.2,93,21,934/-.

In the premises, the petition is allowed and the Respondent-company is ordered to be wound up, accordingly, in terms of the following order :

- (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.)