

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2016

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THE HONOURABLE **MR. JUSTICE RAJIV SHAKDHER**

**C.P.No.92 of 2014
and Comp.A.No.812 of 2014**

Lafarge Aggregates & Concrete India Pvt. Ltd.,
represented by Mr.Mugunthan Balaraman,
Executive – System Admin
Cresenzo, 1004, "B" Wing
10th Floor, "G" block
Bandra Kurla complex
Bandra (E), Mumbai – 400 051. .. Petitioner

V.

M/S.Apex Viswa Engineering Services Pvt. Ltd.,
No.45, fifth trust cross street
Mandaveli, Chennai-600 020
Tamil Nadu. .. Respondent

Company Petition filed under Sections 433(e), 434(1)(a) and Section 439(1)(b) of the Companies Act, 1956, prays (a) an order directing that the respondent company, M/S.Apex Viswa Engineering Services Pvt. Ltd., be wound up under the provisions of the Companies Act, 1956, (b) an order directing that the Official Liquidator attached to this Court be appointed as the Liquidator of the assets, properties, income and business of the respondent company viz., M/S.Apex Viswa

Engineering Services Pvt. Ltd. with all powers under the provisions of the Companies Act, 1956, including the power to take possession of all affairs, assets, management, books, papers and vouchers; (c)an order for such reliefs including award of cost;

For Petitioner : Mr.Kuberan for
M/S.Rank Associates

For Respondent : Mr.G.Kalyan Jhabakh for
M/S.Surana and Surana

ORDER

1.After some arguments, learned counsel for the parties are agreed that the matter can be disposed of, on the following terms and conditions. The sum payable, which is quantified as Rs.13,13,771/-, is agreed to be paid by the respondent company to the petitioner in five installments, in the following manner:

<i>Sl.No.</i>	<i>Cheque No.</i>	<i>Amount in Rs.</i>	<i>Date</i>	<i>Bank</i>
1.	344541	3,00,000	21.07.2016	Indian Overseas Bank
2.	344542	2,00,000	31.07.2016	
3.	344543	3,00,000	10.08.2016	
4.	344544	2,00,000	31.08.2016	
5.	344545	3,13,771	10.09.2016	

2.It is agreed that in case, any of of the aforementioned cheques are dishonoured, the petitioner (i.e., M/S.Lafarge Aggregates & Concrete India Pvt. Ltd.,) would have liberty to revive the company petition, and thereupon, claim the entire original amount, after giving due adjustment in respect of the amounts, if any, received. In addition, the petitioner would also have liberty to take recourse to any other remedy, which may be available in law.

3.The undertaking, filed by Mr.V.Viswanathan, the Managing Director of the applicant/original respondent, in the form of an affidavit dated 19.07.2016, is taken on record and will form part of the agreement arrived at between the parties.

4.The company application and the company petition are disposed of, accordingly, in the aforesaid terms.

21.07.2016

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Index:Yes/No

RAJIV SHAKDHER,J.

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21.07.2016