

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :01.09.2016

Coram

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

Company Petition No.14 of 2016

and Comp.A.Nos.67 and 68 of 2016

1.Chava Bharath Kumar
2.Suryadevara Pavan Kumar
3.Kamal Ahuja

.. Petitioners

v.

M/S.Leather Export House (India) Pvt. Ltd.,
Rep. by its Managing Director Mr.S.Albert
Registered office at No.13/3, Whannels road
Egmore, Chennai-600 008.

.. Respondent

Company Petition filed under Section 433(e) and (f) read with 434(1)(a) and 439(1)(b) of Companies Act, 1956, praying that (a) for an order directing that the respondent company viz., M/S. Leather Export House (P) Ltd., be wound up under the provisions of the Companies Act, 1956 (1 of 1955), (b) for the appointment of the Official Liquidator, High Court, Madras, to take charge of the assets of the respondent company

viz., M/S. Leather Export House (P) Ltd., (c) for an order directing the respondent company viz., M/S.Leachur Export House (P) Ltd.

For Petitioners	: Mr.P.Sukumar
For Respondent	: Mr.H.Karthik Seshadri for M/S.Iyer and Thomas

ORDER

1.Counsel for the petitioners says that upon a search having been carried out by the petitioners' agent, i.e., M/S.AK Jain Associates Company Secretaries, it is found that the Registered office of the respondent company, as per the records of the Ministry of Corporate Affairs (MCA), is located at Devi Theatre Building, Madras, Tamil Nadu 600 002.

1.1 Counsel for the petitioners concedes that the legal notice was sent to a different address, i.e., No.13/3, Whannels Road, Egmore, Chennai-600 008; as also to the residential address of the Managing Director, situate at No.22, New No.04, 2nd main road, Kotturpuram, Chennai-600 085.

2. Having regard to the fact that the statutory demand notice was not served on the Registered office of the respondent company, which is reflected in MCA records, this petition is not viable.

3. In the given circumstances, at this stage, counsel for the petitioners seeks to withdraw both the company petition and the accompanying applications with liberty to file a fresh petition, after complying with statutory pre-requisites.

4. Accordingly, the company petition and attendant applications are dismissed as withdrawn, as prayed with liberty to file afresh, albeit, in accordance with law.

5. The Registry will return the original documents to the petitioners on obtaining necessary endorsement.

01.09.2016

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RAJIV SHAKDHER,J.

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