

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

Coram

The Hon'ble Mr. Justice A.SELVAM
and
The Hon'ble Mr. Justice P.KALAIYARASAN

O.S.A.No.227 of 2015

Mediaone Global Entertainment Ltd.,
No.59, Vijayaraghava Road,
T.Nagar, Chennai-600 017 .. Appellant

Vs

Globecast Asia Pte.Limited,
through its Director and C.E.O.
No.21, Media Circle,
No.10-01/10, Infinite Studios,
Singapore-138 562 .. Respondent

Appeal preferred under Order XXXVI Rule 1 of O.S. Rules r/w
Clause 15 of the Letters Patent against the order dated
9.09.2015 made in C.P.No.7 of 2015.

For Appellant .. Mr.T.T.Ravichandran

For Respondent ... Mr.R.Senthil Kumar

JUDGMENT

(Judgment of the Court was delivered by A.SELVAM, J.)

This Original Side Appeal has been directed against
the order dated 09.09.2015, passed in Company Petition No.7 of
2015, by the learned single Judge of this Court.

2. The respondent herein, as petitioner, has filed
Company Petition No.7 of 2015, on the file of this Court,
wherein it is prayed as follows:

"(a) To wind-up M/s.Mediaone Global
Entertainment Ltd., the respondent herein, under
the provisions of the Companies Act, 1956.

(b) To appoint the Official Liquidator, Madras High Court, as the Liquidator of the respondent to take charge of its assets and affairs; and

(c) To direct the payment of the costs of this petition from and out of the assets of the respondent upon liquidation."

3. The learned single Judge, after considering the divergent contentions raised on either side, has admitted the petition with so many directions.

4. Against the order passed by the learned single Judge, the present Original Side Appeal has been filed, at the instance of the respondent, as appellant.

5. The learned counsel appearing for the appellant has contended that the appellant/respondent is not having any objection in admitting the Company Petition, but the learned Single Judge has erroneously appointed Provisional Official Liquidator by way of incorporating Clause (vii) in the order and the same is liable to be set aside and necessary direction can be given to dispose of the Company Petition itself.

6. The learned counsel appearing for the respondent/petitioner has contended that by virtue of the order dated 09.09.2015, passed by the learned Single Judge, the respondent/petitioner has already given proper publication and the respondent/petitioner is not having any objection to set aside the condition mentioned in Clause (vii) of the order.

7. It is an admitted fact that in Clause (vii) of the order passed by the learned Single Judge, it is observed as follows:

"(vii) The Official Liquidator, High Court, Madras, is appointed as Provisional Liquidator and is directed to take charge of the assets of the respondent company. The Ex-Directors of the respondent company are directed to file their statement of affairs before the Official Liquidator within a period of 21 days. The Company shall deposit a sum of Rs.20,000/- towards initial expenses before the Official Liquidator in this matter."

8. The main gravamen expressed on the side of the appellant/respondent is that the learned single Judge, after passing an order to the effect of admission, without impleading

all creditors of the Company, cannot pass the order mentioned in Clause (vii).

9. The learned counsel appearing for the respondent/petitioner has also fairly conceded to set aside the order passed in the form of Clause (vii), by the learned Single Judge.

10. Considering the aforesaid factual circumstances, this Court is of the view to set aside the order passed in the form of Clause (vii) of the impugned order and to that effect, the present Original Side Appeal is liable to be allowed.

In fine, this Original Side Appeal is allowed. The order dated 09.09.2015 passed in the form of Clause (vii), by the learned single Judge, is set aside and directed to dispose of the Company Petition No.7 of 2015 as early as possible.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

To

1. The Sub Assistant Registrar,
Original Side, High Court, Madras.

2. Official Liquidator,
High Court, Madras.
No.29, Rajaji Salai, Corporate Bavan,
2nd Floor, Chennai 1.

1 cc to Mr.R.Senthilkumar, Advocate, sr.31695

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