

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2016

Coram

THE HONOURABLE **MR. JUSTICE RAJIV SHAKDHER**

C.P.No.104 of 2013
and
Comp.A.No.347 of 2013

M/S.Ojala (India) Engineering Private Limited
C-30, Sipcot Industrial Park
Irungattukottai, Katrambakkam Village
Sriperumbudur Taluk
Kancheepuram District
Tamilnadu 602015.

.. Petitioner

V.

M/S.Water Front Pier Hotel Private Limited
Pioneer Regency Towers
No.132 (Old No.33)
Nelson Manickam Road
Chennai-600 029.

.. Respondent

Petition filed under Sections 433(1)(e), 434(1)(a) and 439 of the Companies Act, 1956, read with Rule 95 of the Companies (Court) Rules, 1959, prays (a) that the respondent company, namely M/S. Water Front Pier Hotel Private Limited, a company incorporated under the Companies Act, 1956 having its Registered Office at pioneer regency Towers, No.132 (old No.33), Nelson Manickam Road,

Chennai-600 029, be ordered to be wound up under the orders and directions of this Court under the provisions of the Companies Act, 1956; (b) that this Court may be pleased to appoint the Official Liquidator of the respondent company and to conduct the affairs of the respondent company in the course of winding up and to distribute its assets in accordance with law; (c) that the costs of the petition and costs towards legal expenses be provided for to the petitioner;

For Petitioner : Mr.A.Juhiein Jinyabarson for
Mr.A.K.Mylsamy and Associates
For Respondent : Ms.M.Meenatchi
for Mr.S.Vasudevan

ORDER

1.Learned counsel for the respondent has placed on record the affidavit of one L.J.Singaravelan, the Director of the respondent company.

2.In this affidavit, which is dated 11.07.2016, the respondent claims that it has arrived at a settlement with the petitioner which requires payment of a sum of Rs.7,00,000/- via three cheques, as full and final amount in respect of the claim raised in the petition. The details qua payment are set out in para-3 of the affidavit.

3.Learned counsel for the petitioner affirms this fact.

3.1 Counsel for the petitioner also says that the cheques referred to in para-3 of the said affidavit have been handed over to the petitioner.

4.Accordingly, the company petition is disposed of with liberty to the petitioner to revive the petition, in case, the cheques handed over are not honoured. Consequently, pending Company Application No.347 of 2013 is also disposed of.

12.07.2016

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Index:Yes/No

RAJIV SHAKDHER,J.

Kj

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