

THE HON'BLE SRI JUSTICE S.V.BHATT

Company Application No.197 of 2016

in

Company Petition No.8 of 1996

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ORDER :

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The instant company application is filed by the Official Liquidator under Section 481 of the Companies Act, 1956 read with Rules, 281, 282 and 9 of the Companies (Court) Rules, 1959. The Official Liquidator prays for the following reliefs :

- i) form an opinion that the liquidator cannot proceed with the winding up and that it is just and reasonable in the circumstances of the case to order for the dissolution of the company;
- ii) dispense with the filing of the Half Yearly Accounts for the period from 01-10-2015 till date.
- iii) dispense with the filing of the Final accounts of the company since no realizations have been made in the company in liquidation.
- iv) order that M/s.Khiz Marketing Company (P) Limited be dissolved with effect from the date of the order.
- v) permit the Official Liquidator to deposit the balance amount lying to the credit of the company to the Companies Liquidation Account.
- vi) permit the Official Liquidator dispose of / destroy the books of accounts and records of the company any day after expiry of 5 (five) years from the date of order of the dissolution of the company.
- vii) order that the cost of this application do come out of the assets of the company.

The circumstances relevant for disposal of the application are as follows :

M/s.Khiz Marketing Company (P) Limited is the company in liquidation in Company Petition No.8 of 1996 on 14-11-1996. This Court ordered the winding up of the company. The petitioner in C.P.No.8 of 1996 was directed to deposit Rs.3,000/- with the Official Liquidator towards preliminary expenses. The affidavit further refers to the happenings pursuant to the order of winding up in C.P.No.8 of 1996. The gist of averments is that the Ex-Director of the company in liquidation filed the statement of affairs of the company and according to the statement of affairs, the company had one preferential creditor and three unsecured creditors as on the date of winding up. The office of Official Liquidator due to inadequacy of funds could not invite claims from the creditors. For the past 20 years, the Official Liquidator has been filing half yearly audited accounts under Section 462 of Companies Act. It is stated that from 30-09-2015 hardly any transaction has taken place and there is no necessity to file the half yearly accounts for the period ending 31-03-2016.

From the above circumstances it is submitted that the company in liquidation does not have resources and there is hardly any asset for realization and requests for ordering dissolution of the company.

I am satisfied from the material placed on record that except the corporate entity and recognition in law as a company, there was and is no cash/asset for administration and realisation of cash for disbursement to claimant. In exercise of power under Section 481, the Court orders dissolution of the company in liquidation. The paltry cash balance is transferred to establishment account.

Accordingly, the prayers as referred to above are accepted. Company Application is allowed and company petition closed. No order as to costs.

**S.V. BHATT,
J.**

Date: 24.02.2016
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