

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Company Application No. 1414 of 2016

in

Company Petition No. 212 of 2014

Order:

The Company Petition No.212 of 2014 was filed seeking to wind up the respondent-Company and when the petitioner filed a reply to the counter filed by the respondent, the Company Petition was closed on the respondent undertaking to pay the outstanding amount with interest at 12% p.a. Thereafter, when the petitioner addressed a letter to the respondent for payment of the amount on 30.03.2015, the respondent issued one demand draft and eight (8) post dated cheques on 04.04.2015. The amount covered by the demand draft and four (4) post dated cheques was realised, whereas the amount covered by four (4) post dated cheques dated 01.09.2015, 01.10.2015, 01.11.2015 and 01.12.2015 was not realised. The petitioner took appropriate steps under Negotiable Instruments Act for realisation of the amount and the proceedings are pending before the competent Court in the city of Mumbai. The present Company Application is filed seeking to restore the Company Petition which was closed on the basis of the earlier settlement, as the settlement was not complied with by the respondent.

Though a counter affidavit is filed by the respondent in the Company Application, no assurance is given or no new facts are pleaded.

In the circumstances, the Company Application No.1414 of 2016 is ordered and consequently the Company Petition No.212 of 2014 is reopened.

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A. RAMALINGESWARA RAO, J

Date: 30.11.2016

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