

THE HON'BLE SRI JUSTICE S.V.BHATT

Company Application No.130 of 2016
in
Company Petition No.31 of 1988

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/Final accounts for the period from 01-10-2015 till date.
- iii) dispense with the filing of the Final accounts of the company since no realization have been made in the company in liquidation.
- iv) order that M/s.Dakshin Fabrics Ltd., be dissolved with effect from the date of the order.
- v) 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.
- vi) permit the Official Liquidator to meet the costs of this application from out of the Estate & Establishment Account since the company has no funds to its credit.

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

Dakshin Fabrics Ltd., company in liquidation, was directed to be wound up by this Court through order dated 21-07-1992 in Company Petition No.31 of 1988. The Official Liquidator filed Company Application No.50 of 1993 under Section 454(5) & (5A) of Companies Act to extend the time for filing statement of affairs by the Ex-Directors of the company.

On 14-09-1993, the Company Application was dismissed. Having regard to the dismissal of the Company Application No.50 of 1993, the Official Liquidator states that though the winding up order was passed on

21-07-1992, the Official Liquidator did not have statement of affairs of the company in liquidation and that due to the earlier seizure effected by APIDS in the year 1991 and sale of assets of company in liquidation in the year 1992, the Official Liquidator did not secure possession of any asset of company in liquidation in the process of winding up. The Official Liquidator has been filing half yearly audited accounts in terms of Section 462 of Companies Act. The half yearly account for the period ending

30-09-2015 has been filed in C.P.No.31 of 1988. A sum of Rs.2,000/- to meet the initial and preliminary expenses of winding up was ordered in C.P.No.31 of 1988 and at present, it is stated, a sum of Rs.30/- is available to the credit of company in liquidation. Stated briefly, winding up order was passed in the year 1992. Hardly any activity has taken place from 1992 till date, except the acceptance of half yearly audited accounts filed under Section 462 of Companies Act. I am of the view that the company in liquidation can be and could be dissolved as no

useful purpose is served with the continuation of winding up proceedings. Hence, company in liquidation is dissolved.

Accordingly, the prayers as referred to above are accepted. Company Application is allowed. C.P. No.31 of 1988 is closed. No order as to costs.

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

Date: 24.02.2016
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