

HONOURABLE SRI JUSTICE S.V. BHATT

COMPANY APPLICATION No.744 of 2016

IN

COMPANY PETITION No.164 OF 2009

ORDER :

This application is filed under Section 481 of the Companies Act, 1956 read with Rules 9, 281 and 282 of the Companies (Court) Rules, 1959.

The Official Liquidator prays for the following relief:

- i) Dispense with the filing of Half Yearly Accounts for the period from 1-4-2014 to till date. ii) Dispense with the filing of the Final Accounts of the company in view of the filing of the audited Half Yearly Accounts in the Company in liquidation. iii) for 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; iv) Permit the Official Liquidator to return the balance amount from the advance made available by the winding up petitioner after meeting further liquidation expenses; v) Order that M/s Alimchand Topandas Oil Industries Ltd., be dissolved with effect from the date of the order; vi) permit the Official Liquidator to meet the cost of this application from out of funds of the company.

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

This Court by order dated 22.06.2011 in C.P. No.164 OF 2009, ordered winding up of M/s. Alimchand Topandas Oil Industries Limited (company in liquidation).

The Official Liquidator has filed Annexures A to C along with this application.

Heard Sri M.Anil Kumar, learned counsel for the Official Liquidator and perused the statement of affairs of the company in

liquidation and other material as evidenced by Annexures A to C and also the affidavit of the Official Liquidator dated 06.06.2016.

I am satisfied that from the date of passing of winding up order till date, Official Liquidator received Rs.10,000/- by deposit to meet the incidental expenses for winding up of the company in liquidation. The Official Liquidator in the winding up process could not and did not get into administration of asset or cash of company in liquidation. As on date, the balance available to the credit of the company in liquidation is Rs.9,220/-. I am satisfied that the winding up process need not be continued and orders for dissolution of M/s.Alimchand Topandas Oil Industries Limited are passed. The company in liquidation is dissolved.

The Company Application is accordingly ordered. The Official Liquidator is authorized to transfer the balance to Estate and Establishment Fund Account. Consequently, Company Petition No.164 of 2009 is closed as no further order is necessary.

S.V. BHATT, J

Date:14.06.2016

Stp