

**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CP N.195 of 2016

Date of Decision:29.11.2016

M/s Shish Pal Singh Parveen Kumar Petitioner

Vs.

M/s L.R. International Pvt. Ltd. Co. Respondent

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Shubhankar Baweja, Advocate for the petitioner.

RAKESH KUMAR JAIN, J.(Oral)

This petition is filed under Sections 433(e), 434(1) and 439 of the Companies Act, 1956 for winding up of the respondent- Company. The petitioner has submitted that the respondent was served with the statutory notice which has been returned by the postal department with the endorsement of “Insufficient Address”.

Counsel for the petitioner has submitted that the notice was sent on the address taken from the website of the Registrar of Companies and the service has been duly effected. He has relied upon a decision of Delhi High Court in the case of Symphony Services Corp. (India) Pvt. Ltd. v. M.G. FLO2GO Technology Pvt. Ltd. - Co. Pet. No.457 of 2010 dated 6.12.2013 in which statutory notice was returned with postal remark “left without address”. The Court held that it was the duty of the respondent- Company to inform the change of address to the Registrar of Companies and if the petitioner had sent the notice on the address obtained from the website of the Registrar of Companies then it would be a proper

service. In this case, the facts are completely different because it is not a case where respondent has left the address rather the report is that the address is insufficient. In this regard, counsel for the petitioner has referred to the information derived from the website of the Registrar of Companies in which the address of the registered office is mentioned as “Factory Premises, Karnal Road, Nissing Karnal HR 132024 IN” whereas in the statutory notice the address is not the same as it is mentioned, “Karnal Road, Nissing, District Karnal.

Faced with these observations, counsel for the petitioner prays for withdrawal of the petition with liberty to file it again after serving the notice to the respondent on the address given in the website of the Registrar of Companies referred to above.

After hearing learned counsel for the petitioner and keeping in view the aforesaid facts and circumstances, the present petition is hereby dismissed as withdrawn with liberty as prayed for.

November 29, 2016
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No