

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CP No.75 of 2012 (O&M)
Date of Decision:-11.11.2016

M/s Mani Ram Rajesh Kumar

..... Petitioner

Vs.

M/s Welkin Agro Industries Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Arun Bansal, Advocate,
for the petitioner.

Mr.Deepankur Sharma, Advocate,
for the Official Liquidator.

RAKESH KUMAR JAIN, J.

The present petition has been filed seeking winding up of the respondent-company for being unable to pay the admitted debts of the petitioner-company.

On 26.5.2015, at the time of admission, a detailed order was passed by this Court and Official Liquidator was appointed provisionally to take charge of the assets both moveable and immovable of the respondent-company but per chance the petition was disposed of. However, the petition was listed by the Registry for correction and in the application bearing CA No.350 of 2015, following order was passed: -

“Prayer in the application is for correction

in the order dated 26.5.2015, whereby due to

inadvertence instead of adjourning the petition, the petition was disposed of.

In view of the aforementioned prayer, the penultimate line i.e. "In view of the aforesaid observation, petition stands disposed of" of the order dated 26.5.2015 is deleted and the petition is revived and restored to its original number and be listed for 28.09.2015."

Thereafter, the respondent-company issued two cheques on account of payment of the debts but both the cheques were dishonoured and on 30.11.2015, following order was passed by this Court: -

"This Court vide order dated 26.05.2015 had admitted the company petition. However, in CA Nos.511-512 of 2015, order of admission was kept in abeyance on the ground that the applicant/respondent company offered to pay an amount as agreed in the order aforementioned.

Mr.Arun Bansal, Advocate for non-applicant/petitioner submits that two cheques were issued, annexed as Annexure A-2 and Annexure A-3 in the application i.e. CA No.511-12 of 2015, for an amount of Rs.12,00,000/- each. Thus the application was nothing, but an attempt to prolong the pendency of the case.

Mr.Vishal Gupta, Advocate, appearing for the applicant/appellant submits that cheques were issued but the same had been dishonoured.

Be that as it may, the facts remains that order dated 26.05.2015 was conditional

order vide which main petition i.e. CP No.75 of 2012 was disposed of. The application bearing No.512 of 2015 seeking recalling and modifying the order is hereby dismissed on the ground that respondent-company had failed to honour undertaking in discharging liability as two cheques, aforementioned have been dishonoured. The order dated 26.05.2015 is restored back and be implemented in its letter and spirit.”

Publication of admission of the petition has been made and affidavit of publication has also been filed.

Despite the fact, the respondent-company has not paid the admitted dues to the petitioner-company. Hence, the respondent-company deserves to be wound up.

Ordered accordingly.

The Official Liquidator, who was earlier appointed as provisional Liquidator is now appointed as Liquidator of the respondent-Company for the purpose of taking over the assets both moveable and immovable of the respondent-company, if not taken earlier.

The petitioner-company is further directed to make publication of winding up of the respondent-Company in newspapers namely, “The Indian Express” (English) and “Jansatta” (Hindi) both Haryana Editions as well as in the official Gazette of the Government of Haryana.

Petition is disposed of.

(RAKESH KUMAR JAIN)
JUDGE

11.11.2016

Vivek

Whether speaking/reasoned

Yes/No

Whether non speaking

Yes/No