

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CP No.211 of 2014 (O&M)
Date of Decision:-29.07.2016

Sanghvi Movers Limited

..... Petitioner

Vs.

Ess Ess Technofabs Pvt. Ltd. and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.J.P. Bhatt, Advocate,
for the petitioner.

None for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

On 11.08.2015, this Court passed the following order: -

The present petition has been filed seeking winding up of the respondent-company on the ground of inability to pay its debt.

Notice in the present petition was issued on 6.1.2015 for 20.4.2015. On the next date of hearing, none having put in appearance on behalf of the respondent company, despite service, it was directed to be proceeded against ex-parte. The case was fixed for arguments for today.

Today as well, none appeared for the respondent company.

Counsel for the petitioner was heard. Learned counsel for the petitioner submitted that the petitioner company is having its registered office

at Pune, and Branch office at Noida. It is engaged in the business of providing cranes of various capacities on higher purchase basis. The respondent-company is having its registered office at Dera Bassi, District Mohali (Punjab). He further submitted that in August, 2012, the respondent company approached the petitioner for supply of various cranes for its projects. The agreement was entered into on 10.8.2012 for executing work at site of the respondent company in Himachal Pradesh. For the aforesaid work, bills were raised to the tune of ₹34,46,986/-. Out of the total amount only ₹20,19,368/- were paid and the balance was outstanding, which was not paid despite repeated requests. A legal notice was sent on 6.5.2013. Thereafter, statutory notice for winding up was sent on 17.10.2013. However, the same were not replied to.

The submission is that the balance amount of ₹14,27,618/- along with interest is due from the respondent company. It has failed to pay the same despite requests, statutory notice for winding up and even after service of notice in the present petition for winding up, no one appeared for the respondent company, hence, the present petition deserves to be admitted.

After hearing learned counsel for the petitioner and considering the fact that as against the total amount of ₹34,46,986/-, it is claimed that only ₹20,19,368/- were paid and ₹14,27,618/- along with interest are due, the petition deserves to be admitted. For raising the demand thereof, notice was issued on 6.5.2013, which was not replied to. Even statutory notice dated 17.10.2013 for winding up of the respondent company was not

responded. Not only this, even after service of notice in the present petition, none appeared for the respondent company for two dates of hearing. Meaning thereby the debt is not disputed.

Hence, the present petition is admitted.

Let the factum of admission be published in "The Indian Express" (English) and "Punjabi Tribune" and the official Gazette of the Government of Punjab.

Adjourned to 7.12.2015."

Pursuant to the aforesaid order, affidavit of publication dated 19.11.2015 has been filed.

No one has put in appearance on behalf of the respondent-Company on 7.12.2015 and same is the position today.

In view of the above, I am of the considered opinion that the respondent-Company is least interested in contesting the present petition and as such the debt is not disputed by it. Consequently, the petition deserves to be allowed and the respondent-company is ordered to be wound up.

The Official Liquidator is appointed as Liquidator of the respondent-Company. He is directed to take charge of the moveable and immoveable assets and records of the respondent-company.

Let publication of winding up of the respondent-company be also made in "The Indian Express" (English) and "Punjabi Tribune" and the official Gazette of the Government of Punjab.

29.07.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether non speaking

Yes/No