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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.187 OF 2015

Rohit & Co.	...Petitioner
V/s.	
M/s.Creative Mark Engg. Solutions Pvt. Ltd.	...Respondent

Mr.Niraj Shah i/b Law Chamber of Siddharth Murarka for the
Petitioner.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 13TH APRIL, 2017.

P.C. :-

1. Learned counsel appearing for the petitioner states that the respondent is served. The petitioner has already published the petition pursuant to an order dated 14th June, 2016 passed by this Court. None appeared for the respondent when the matter was called out.
2. By this petition, the petitioner seeks winding up of the respondent on the ground that the respondent is unable to pay its debts.
3. The petitioner has sold, supplied and delivered various goods to the respondent and had raised various invoices in respect

thereof. The petitioner has also maintained ledger account which shows that a sum of Rs.6,05,722/- is payable by the respondent to the petitioner as on 5th November, 2014. The respondent issued a cheque in favour of the petitioner in the sum of Rs.6,05,722/- dated 20th September, 2014, which was dishonoured upon presentation.

4. The petitioner thereafter served a statutory notice on 8th November, 2014 at the registered address of the respondent which was returned back to the petitioner with a remark "left". The petitioner thus filed this petition.

5. By a reasoned order dated 14th June, 2016 passed by this Court, this Court after perusing the papers and proceedings observed that the principal amount claimed by the petitioner is admitted by the respondent. The respondent has issued a cheque in the sum of Rs.6,05,722/- which was dishonoured upon presentation. This Court held that the legitimate dues of the petitioner had remained unpaid. The respondent did not take any steps to change the registered address in the records of the Registrar of Companies. This Court accordingly admitted the petition.

6. No affidavit in reply has been filed by the respondent. The averments made in the company petition are thus deemed to have been admitted.

7. For the reasons recorded in the order dated 14th June,

2016 and for the reasons recorded aforesaid, I am of the view that the respondent is unable to pay its debts and is commercially insolvent.

8. I therefore, pass the following order :-

a). The company petition is made in terms of prayer clauses (a) and (b). No order as to costs.

9. The Official Liquidator to act on the authenticated copy of this order.

10. In view of the disposal of the company petition, the company application, if any, does not survive and is accordingly disposed of.

(R.D. DHANUKA, J.)