

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.122 OF 2015
IN
COMPANY PETITION NO.545 OF 2014**

Palamadai Subramanian KrishnanApplicant

IN THE MATTER BETWEEN :

Komli Media India Private LimitedPetitioner

Vs.

The Official Liquidator of M/s. Customer

Centria Enterprises Solutions (P) Ltd. (In Liqn.)Respondent

Mr. R.V. Govilkar i/b. Phogat Daljit Singh Ramkaran for applicant/original respondent.

Mr. Sahil Mahajan for respondent/original petitioner.

Mr. Mahendhar Aithe, Company Prosecutor for Official Liquidator present.

CORAM : K.R.SHRIRAM, J.

DATE : 4th DECEMBER, 2017

PC.:

1 The application is to set aside/recall the order dated 8th January, 2015 ordering winding up and appointing Official Liquidator of the assets of the company – M/s. Customer Centria Enterprises Solutions (P) Ltd. (in liquidation).

2 The present application has been taken out on 6th February, 2015, that is less than a month after the order was passed. It is the case of applicant that they have settled with all the creditors who had lodged the claim with the Official Liquidator. On 30th June, 2017, this Court was pleased to pass the following order :

1. Learned counsel appearing for the petitioner submitted that the respondent-company, namely, M/s. Customer Centria Enterprises Solutions

(P) Ltd. (in liquidation) has settled the claim not only with the petitioner but with the other three creditors also. He tendered copies of the Consent Terms on record which are signed by the respective parties. The same are taken on record and marked 'X-1', 'X-2', 'X-3' & 'X-4' respectively. He, therefore, prayed that he may be allowed to withdraw the present petition.

2. As the petitioner claims that the respondent has settled the claims of not only him but also of all other creditors, it is necessary to publish an advertisement of withdrawal of the present petition with a view to put on notice other claimants also if any.

Hence, the following order:

(a) The Official Liquidator is hereby directed to advertise the petition in two local newspapers, viz. Free Press Journal (In English) and Navshakti (In Marathi) within a period of four weeks from today.

(b) The respondent shall deposit an amount of Rs.10,000/- with the Official Liquidator of this Court towards the publication charges within a period of two weeks from the date of this order with intimation to the Company Registrar.

(c) S. O. 11.08.2017.

3 Pursuant thereto, Official Liquidator has published an advertisement in Free Press Journal (in English) and Navshakti (in Marathi), both Mumbai edition on 13th July, 2017, copies of the advertisements are annexed to Official Liquidator's Report No.302 of 2017. It is stated in the Official Liquidator's Report that pursuant to the said advertisements, Official Liquidator has received four claims, i.e., (1) from petitioner herein, (2) from worker, (3) from one M/s. SVG Media Private Limited and (4) from one M/s. DGM India Internet Marketing Company Limited.

4 Mr. Govilkar states that claim of all these four creditors have been settled and consent terms have been filed on 30th June, 2017, which has been taken on record as stated in the order dated 30th June, 2017 as

quoted above. In view thereof, Mr. Govilkar prays that the application be allowed.

5 Mr. Mahajan, counsel for original petitioner has no objection. Mr. Aithe, Company Prosecutor for Official Liquidator states that since the creditors, who had lodged claim, have filed consent terms and as their claim has been settled, Official Liquidator also has no objection if the application is allowed.

6 In the circumstances and in view of the undertaking given by Mr. Govilkar that the balance amount of Rs.3000/- will be paid to the office of the Official Liquidator during the course of today, the application is allowed and accordingly disposed in terms of prayer clauses – (a), (b) and (c). In view of the above, Official Liquidator's Report No.302 of 2017 also stands disposed in terms of prayer clause – (a).

(K.R. SHRIRAM, J.)