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

COMPANY PETITION NO.295 OF 2015

|                                      |               |
|--------------------------------------|---------------|
| M/s.Medi Carriers Pvt. Ltd.          | ...Petitioner |
| V/s.                                 |               |
| M/s.Frantiago Lifesciences Pvt. Ltd. | ...Respondent |
| Mr.Somnath Vora for the Petitioner.  |               |
| None for the Respondent.             |               |

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

**P.C. :-**

1. Learned counsel for the petitioner states that the pursuant to the order dated 28<sup>th</sup> June, 2016, the petition has already been advertised. The petitioner has filed affidavit of service dated 26<sup>th</sup> July, 2016. 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. As per the contract of carriage executed between the petitioner and the respondent, the petitioner carried out various consignments of H.L. Medicines from Bhiwandi to Guwahati under various consignment notes and goods consignment invoices. The

respondent company vide its email dated 17<sup>th</sup> May, 2013 and 27<sup>th</sup> May, 2013 admitted its liability. The copies of those emails are produced at Exhibit "G" to the petition.

4. The petitioner issued statutory notice on 20<sup>th</sup> June, 2013. The said statutory notice was duly served upon the respondent at its registered office. Neither any payment was made, nor any response was given by the respondent to the petitioner.

5. This Court passed a detailed order on 28<sup>th</sup> June, 2016 after considering the documents placed on record and has held that the claim of the petitioner is undisputed.

6. I have perused the documents annexed to the petition. The respondent has by various emails, which are placed on record have admitted its liability. There is no response to the statutory notice. For the reasons recorded in the order dated 28<sup>th</sup> June, 2016 and on consideration of the emails, I am of the view that the respondent is unable to pay its debts and is commercially insolvent.

7. I therefore, pass the following order :-

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

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

**(R.D. DHANUKA, J.)**