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

COMPANY PETITION NO.272 OF 2015

M/s.Shree Arun Packaging Co. Pvt. Ltd.	...Petitioner
V/s.	
M/s.Sipra Remedies Pvt. Ltd.	...Respondent

Mr.Vijay S. Sharma 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 pursuant to an order dated 7th July, 2016 passed by this Court, the petition has already advertised by the petitioner and the affidavit of publication dated 6th October, 2016 is already filed. The affidavit of publication is already on record of these proceedings.
2. None for the respondent when the matter was called out.
3. By this petition, the petitioner seeks winding up of the respondent on the ground that the respondent is unable to pay its debts.
4. In the month of December, 2013, the petitioner had supplied packing and labeling materials to the respondent and had

issued various invoices. The details of the invoices are set out in Exhibit "B" to the petition. According to the petitioner, the respondent is liable to pay a sum of Rs.2,92,665/- with further interest thereon.

5. On 20th April, 2014, the respondent issued a cheque in the sum of Rs.65,280/- in favour of the petitioner towards part payment which was dishonoured upon presentation with the remark "insufficient funds".

6. On 19th December, 2014, the petitioner issued a statutory notice which was sought to be served upon the respondent at its registered office, which was returned back undelivered with remark "left". The said notice was however, duly served upon one of the director Mr.Anil Jayantilal Pathak. There was no reply to the said statutory notice.

7. Learned counsel for the petitioner invited my attention to the documents annexed to the petition and would submit that in the record of the Registrar of Companies, the registered office of the respondent company is reflected as one on which the statutory notice was sought to be duly served by the petitioner.

8. By a detailed order passed by this Court on 7th July, 2016, after considering the documents annexed to the petition, this Court observed that the respondent is unable to pay its debts. No affidavit in reply has been filed controverting the averments made in the

petition. A cheque in the sum of Rs.65,000/- issued towards part payment has been dishonoured.

9. No affidavit in reply has been filed even post advertisement of the petition. None appeared for the respondent when the matter was called out. The averments made in the petition are deemed to have been admitted.

10. For the reasons recorded in the order dated 7th July, 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.

11. 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.

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

(R.D. DHANUKA, J.)