

Amk

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

COMPANY PETITION NO. 298 OF 2015

Vishnu S. Sindwani	.. Petitioner
Vs.	
Palace Gardens Chennai Sez Pvt. Ltd.	.. Respondent

Mr. Jaydeep Raut i/b Ms. Neha Choksi for the Petitioner.
None for the Respondent.

CORAM : A. S. GADKARI, J.
DATE : 12th JUNE, 2017.

P. C. :

1. The present petition under Section 433(e) and 444 of the Companies Act, 1956 is filed for winding up of the respondent company, viz. M/s. Palace Gardens Chennai Sez Pvt. Ltd. on the ground it is unable to pay its stakes. The present petition was accepted by an order dated 30.03.2015. By an order dated 28.06.2016 the petition was admitted. In order dated 28.06.2016, this Court had observed that the debt of the petitioner is undisputed. After admission of the petition, the petitioner moved application bearing Company Application No. 137 of 2015 for appointment of provisional liquidator and this Court by an order dated 29.11.2016 allowed the said application thereof directing the Official Liquidator to forthwith take charge of the assets and books of the respondent for interim terms of second of the said application.

2. The record reveals that the respondent never appeared in the

proceeding. The record further reveals that the statutory notice has been duly served on the respondent company at its registered office. That, the Company Petition was also served on the address i.e. registered office of the company by hand delivery. That, while admitting present petition by an order dated 28.06.2016, the petitioner was directed to advertise the admission of the Company Petition in two local newspapers and the said direction has been duly complied with. An affidavit of service dated 26.09.2016 has been filed on record. Even after paper publication of the admission of the present petition, none appeared for and on behalf of the respondent-company.

3. In view of the above, I am of the opinion that the respondent-company has no plausible defence to the contentions raised by the petitioner in the petition. I also find that the debt of the petitioner is undisputed. In view thereof, the petition deserves to be allowed and is, accordingly, allowed in terms of prayer clauses (a) and (b).

[A. S. GADKARI, J.]