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

COMPANY PETITION NO.861 OF 2014

Blue Star Limited	...Petitioner
V/s.	
Microqual Techno Ltd.	...Respondent

Mr.Sangram S. Lotankar i/b Ms.Pooja Kanal 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 respondent is served with the notice. Affidavit of service is already filed by the petitioner on 30th March, 2015. The office has also filed a service report on 17th April, 2015 which indicates that the respondent is served. 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. Pursuant to the purchase order received by the petitioner from the respondent on 2nd August, 2011, the petitioner supplied to

the respondent various items for an amount of Rs.10,37,909/-. The respondent acknowledged the delivery of the items on 8th October, 2011. The petitioner vide various emails dated 10th October, 2011, 10th November, 2011, 30th December, 2011, 20th January, 2012, 31st January, 2012, 24th February, 2012, 4th May, 2012 and 28th May, 2012 calling upon the respondent to pay the balance amount. The respondent however, vide email dated 3rd January, 2012, acknowledged the liability and promised to pay the outstanding dues on or before 31st January, 2012. The respondent however, only made part payment of Rs.3,00,000/- on 18th June, 2012 and did not pay the balance amount. The petitioner thereafter issued a statutory notice on 24th February, 2014. The said notice was duly served upon the respondent. Neither any payment was made, nor any response thereto.

4. By a reasoned order passed by this Court on 20th March, 2015, while admitting the company petition, this Court has held that the statements / submissions made by the petitioner had remained uncontroverted. The respondent has failed to give response to the statutory notice. This Court has observed that the respondent is unable to pay its debts.

5. I have perused the documents annexed to the petition and also the reasons recorded by this Court in the reasoned order dated

20th March, 2015 and for the reasons recorded in this order, I am of the view that the respondent is unable to pay its debts and is commercially insolvent. 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.

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

(R.D. DHANUKA, J.)