

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

COMPANY PETITION NO.907 OF 2014

M/s Shell Marine Products, SingaporePetitioner

Vs.

M/s. Binny Ship Management LimitedRespondent

None for petitioner.

Mr. Gobinda Mohanty i/b. Mohanty and Associates for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 14th DECEMBER, 2017

P.C.:

1 On 6th February, 2015 after the petition was admitted, respondent has filed an affidavit in reply dated 2nd March, 2015. Office remarks on the cause list indicate that notice under Rule 28 of the Companies (Court) Rules, 1959 has been issued and delivered upon respondent. It also indicates that a sum of Rs.10,000/- has been deposited by the Advocate for petitioner towards publication charges. There is nothing on record to indicate that notice as directed in the order dated 6th February, 2015 has been given in two newspapers and in Maharashtra Government Gazette. Today nobody is present for petitioner. Even on 29th November, 2016, which appears to be the last date when the petition was listed, nobody had appeared for petitioner.

2 Therefore, petition stands dismissed for want of prosecution.

3 The Company Registrar is directed to publish the notice in two newspapers notifying that this admitted winding up petition against

respondent company, i.e., M/s. Binny Ship Management Limited, is dismissed for want of prosecution. The said notice shall also contain that if, any person/creditor/contributory wishes to continue with the winding up petition, then they shall forward their intention to continue with the proceeding and their interest in the proceeding in the form of affidavit to the office of Company Registrar, High Court, Bombay, within fifteen days from the day of publication.

4 Any such affidavit if received by the office of Company Registrar, then this petition alongwith affidavit received be listed for directions.

5 The amount deposited by petitioner towards publication charges be utilized by Company Registrar for the purpose of giving dismissal notice in newspapers.

(K.R. SHRIRAM, J.)