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

COMPANY PETITION NO. 974 OF 2015

Venus Petrochemicals (Bombay) Pvt. Ltd. .. Petitioner
Vs.
Ganesh Benzoplast Ltd. .. Respondent

Mr. A. A. Mannadiar i/b Mannadiar & Co. for the Petitioner.
Mr. Amey Deshpande for the Respondent.

CORAM : A. S. GADKARI, J.
DATE : 13th JULY, 2017.

P. C. :

1. By the present petition under Sections 433(e), 434 read with Section 439 of the Companies Act, 1956, the petitioner has prayed for winding up of the respondent-company, namely, Ganesh Benzoplast Ltd.
2. It is the case of the petitioner that as per orders placed by the respondent, the petitioner sold, supplied and delivered to the respondent the goods and issued various invoices, aggregating for an amount of Rs.1,03,96,223/-. As the petitioner did not receive any amount from the respondent, after following due process of law the petitioner filed the present petition on 03.07.2015.
3. It is submitted by the learned counsel for the petitioner that after filing of the present petition, the respondent has made a payment of Rs.68,16,465/- to the petitioner leaving behind a balance of Rs.35,79,758/-.

4. The respondent has filed an affidavit-in-reply dated 13.07.2017 and in paragraph 8 of the said affidavit it is stated as under:

“The Respondent therefore filling this affidavit to this Hon'ble Court and stating on affidavit that the Respondent company is ready and willing to make payment of all the remaining principal dues that is Rs.35,79,758/- to the Petitioner within 5 months from today that is till the 31st December, 2017.”

5. The said statement made by the respondent in affidavit is accepted as an undertaking given to this Court. As the respondent has shown its readiness and willingness to pay the balance amount to the petitioner, the petition is, accordingly, disposed off.

6. It is however made clear that in case the respondent commits default in making the payment to the petitioner as stated above, the present petition shall stand automatically admitted without further reference to this Court.

In such an event, from the date of admission, the petitioner shall advertise notice of admission of petition in two local newspapers, namely, Free Press Journal (in English) and Navshakti (in Marathi) and official gazette of the Maharashtra State. It is further made clear that non publication of the notice or delay causing in publication of the notice would not affect the right of the petitioner in pursuing the petition.

The petitioner shall also deposit a sum of Rs.10,000/- with the Prothonotary and Senior Master of this Court with due intimation to the Company Registrar towards publication charges within a period of two

weeks from the date of default.

7. The notice under Rule 28 of the Company (Court) Rules, 1959 shall stand waived.

8. The petition is disposed off in the aforesaid terms.

[A. S. GADKARI, J.]