

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

COMPANY PETITION NO.941 OF 2014

Aramex India Private Limited Petitioner
Vs.
Alexander Knights Impex Pvt. Ltd. Respondent

Mr. P. Ranjan i/b. M/s. Halai and Co. for petitioner.
None for respondent.

**CORAM : K.R.SHRIRAM, J.
DATE : 14th DECEMBER, 2017**

PC.:

1 At the time of admission of the petition the following order
was passed on 21st March, 2016 :

1. This Company Petition is filed by the Petitioners – Aramex India Pvt.Ltd. seeking to wind up the Respondent Company – Alexander Knights Impex Pvt.Ltd. under sections 433, 434 and 439 of the Companies Act 1956.

2. The claim in the Petition is made on the basis of a Client Service Agreement dated 15th July 2013 under which the Respondents, through the Petitioners, were sending its parcels, articles and consignments to various locations / destinations as agreed in the said Agreement. For the services rendered, the Petitioners raised invoices on the Respondent Company. The claim in the present Petition is for a total sum of Rs.1,40,555/-, comprising of Rs.1,26,700/- being the principal amount under four different invoices and a sum of Rs.13,854/- towards interest at the rate of 18 % p.a. Since no payments were made under these four invoices, several reminders were sent to the Respondent company to which there was no reply. In these circumstances, the Petitioners were constrained to serve a statutory notice dated 23rd April 2014 under section 434 of the Act on the Respondent Company. This notice has been duly received by the Respondent Company at its registered office. The same is duly evidenced by the acknowledgment receipt annexed at page 63 of the Petition. Even to this statutory notice, there is no reply.

3. The learned counsel appearing on behalf of the Petitioners states that after the service of statutory notice and filing of the present Petition, they sought to serve a copy of this Petition on the registered office of the Respondent Company (where the statutory notice was served) but the packet was returned back with remarks “Left”. An affidavit of service to that effect dated 8th January 2015 evidences the aforesaid fact.

4. Looking to the averments set out in the Petition and the fact that at no stage, the Respondent – Company has disputed the claim of the Petitioners, the following order is passed :-

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2 Respondent never appeared at the stage of admission. On record, there is an affidavit of one Shraddha Ashok Chavan affirmed on 9th June, 2016 confirming publication in Free Press Journal (in English) and Navshakti (in Marathi) on 16th May, 2016. There is another affidavit of Shraddha Ashok Chavan affirmed on 18th November, 2016 confirming publication in the Maharashtra Government Gazette. The Company Department of this Court has placed on record a service report dated 30th April, 2016 in which it is stated that the packet that was sent under Rule 28 of the Companies (Court) Rules, 1959 was returned with the remarks “Unclaimed. Returned to sender”. I accept the same as good service.

3 While admitting the petition this Court has observed that at no stage respondent company has disputed the claim of petitioner. I have considered the pleadings and the documents annexed to the petition. I am also satisfied that the company is unable to pay its debts, is commercially insolvent and requires to be wound up.

4 Company petition is, therefore, allowed and the following order is passed :

(a) Respondent company - Alexander Knights Impex Pvt. Ltd.,

is wound up and Official Liquidator is appointed as Liquidator of respondent company with all powers under the Companies Act, 1956, including the power to take charge of all assets, business, affairs, books of accounts, records, documents, papers, vouchers, bills etc. of respondent and conduct its affairs and business in the course of winding up and to distribute its assets in accordance with law.

5 Official Liquidator shall forthwith act on an authenticated copy of this order without waiting for any notification.

6 Petition accordingly stands disposed.

(K.R. SHRIRAM, J.)