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

COMPANY PETITION NO.59 OF 2015

Sandra Valia	...Petitioner
V/s.	
M/s.Kushumavati Infrastructure Pvt. Ltd.	...Respondent

Mr.Deepak Sharma for the Petitioner.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 10TH APRIL, 2017.

P.C. :-

1. Learned counsel appearing for the petitioner states that pursuant to the order passed by this Court on 22nd September, 2015 and subsequent orders, the petition is already advertised on 31st December, 2015 in two local newspapers and is also published in the Government Gazette on 16th February, 2016. The statement is accepted. None appeared for the respondent when the matter was called out.

2. By a detailed order passed by this Court on 2nd September, 2015, this Court has passed a conditional order against the respondent to pay a sum Rs.1,50,00,000/- before the petition is admitted and advertised to the petitioner. The respondent has not

paid any amount pursuant to the said conditional order. The company petition thus stood admitted. By an order dated 16th February, 2016, this Court recorded that the respondent had committed default in making payments.

3. The detailed order passed by this Court on 22nd September, 2015 is not impugned by the respondent.

4. A perusal of the said order dated 22nd September, 2015 and the documents annexed to the petition clearly indicates that the respondent has committed default in making payment of the sum of Rs.1,50,00,000/- and various other amounts. The defence raised by the respondent before this Court have been rejected by a detailed order passed by this Court.

5. For the reasons recorded by this Court in the order dated 22nd September, 2015 and in view of the fact that the respondent has committed default, I am of the view that the respondent is unable to pay its debts and is commercially insolvent and this company petition deserves to be wound up.

6. Though the petitioner has advertised the petition by publishing the notice in two newspapers and also in the Government Gazette, none appeared for the respondent.

7. I therefore, pass the following order :-

a). The company petition is made absolute in terms of prayer

clauses (a) and (b). There shall be no order as to costs.

8. In view of disposal of the company petition, the company application pending if any, does not survive and is accordingly disposed of.

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

(R.D. DHANUKA, J.)