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

COMPANY PETITION NO.200 OF 2015
WITH
COMPANY APPLICATION NO.28 OF 2015

M/s.Adarsh Enterprises	...Petitioner
V/s.	
M/s.Raga Engineering Pvt. Ltd.	...Respondent

Mr.Niraj Shah i/b Law Chamber of Siddharth Murarka for the
Petitioner.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 13TH APRIL, 2017.

P.C. :-

1. Learned counsel appearing for the petitioner states that pursuant to an order dated 30th June, 2015 passed by this Court, the petition is already advertised. The statement is accepted. None appeared for the respondent when the matter was called out. He submits that the affidavit of service is already filed.
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. The petitioner had sold, supplied and delivered the goods

to the respondent in the sum of Rs.32,57,000/- and has raised various invoices which are annexed to the petition. Those goods were delivered in the month of March and April, 2013. The respondent did not raise any dispute about the quality of the goods sold, supplied and delivered by the petitioner. The respondent has acknowledged the liability on 1st April, 2014 in the form of a signed statement of account showing closing balance of Rs.28,41,000/-. The petitioner issued a statutory notice on 1st August, 2014, which was duly served upon the registered office address of the respondent. There was neither any response to the statutory notice nor any payment from the respondent.

4. The respondent thereafter paid a sum of Rs.30,000/- to the petitioner by way of electronic transfer. Three cheques of Rs.6,38,770.25, Rs.10,59,329.25 and Rs.11,13,882/- issued by the respondent before the statutory notice were dishonoured.

5. By a detailed order dated 30th June, 2015, this Court after considering the documents on record has held that it is clear that there was a clear case of an outstanding debt of Rs.32,57,000/- against the respondent. No *bonafide* dispute is raised in respect of the said debt. This Court *prima-facie* held that the respondent is unable to pay its debts.

6. No affidavit in reply has been filed by the respondent.

None appeared for the respondent when the matter was called out.

7. For the reasons recorded in the order dated 30th June, 2015 and the reasons as recorded aforesaid, I am of the view that the respondent is unable to pay its debts and is commercially insolvent.

8. I therefore, pass the following order :-

a). The company petition is made absolute in terms of prayer clauses (a) and (b). No order as to costs.

9. In view of disposal of the company petition, the Company Application No.28 of 2015 does not survive and stands disposed of accordingly.

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

(R.D. DHANUKA, J.)