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

COMPANY PETITION NO.315 OF 2015

Mitcon Consultancy & Engg. Services Ltd.	...Petitioner
V/s.	
Hindustan Sugar Ltd.	...Respondent

Mr.Chaitanya Nikte 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 the respondent is served pursuant to an order dated 9th August, 2016 passed by this Court and the petition is already advertised. The petitioner has already filed affidavit of service dated 24th October, 2016. None appeared for the respondent when the matter was called out.

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 has provided consultancy services to the respondent and has raised six invoices aggregating to

Rs.8,98,880/-.The petitioner is also entitled to receive further amount for the other services rendered by the petitioner. The petitioner received payment of Rs.4,00,000/- by RTGS on 30th April, 2014 leaving a balance amount of Rs.7,48,880/-.

4. The respondent issued a cheque in the sum of Rs.6,50,000/- dated 15th May, 2014 towards part payment, which was dishonoured with remarks "funds insufficient". The respondent acknowledged its liability vide its email dated 31st July, 2014 but did not make any further payment. The petitioner issued a statutory notice on 5th September, 2014, which was also received by the respondent. Neither there was any payment, nor any response to the statutory notice.

5. By a detailed order passed by this Court on 9th August, 2016, this Court after considering the documents and the records observed that the petitioner has made out a case for admission of the company petition. The dues of the petitioner were undisputed. The cheque of Rs.6,50,000/- issued by the respondent towards part payment were dishonoured.

6. For the reasons recorded by this Court on 9th August, 2016 and for the reasons recorded aforesaid, I am of the view that the respondent is unable to pay its debts and is commercially insolvent.

7. 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.

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

(R.D. DHANUKA, J.)