

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

COMPANY PETITION NO.149 OF 2014

M/s.Inc. Solutions and Consultants Pvt. Ltd.	)....Petitioner
V/s.	
Trident Communications Pvt. Ltd.	)....Respondent

Mr.Abdul Wahab Ansari for petitioner.
None for respondent.

CORAM : K.R.SHRIRAM,J
DATE : 13.11.2017

P.C.:-

1 The Company Petition seeks winding up of the Respondent Company on the ground of inability to pay its debts. The Petitioner's claim is for a sum of Rs. 2 lacs arising out of invoices raised for professional services rendered by the Petitioner to the Respondent. The Petitioner's liability has been admitted by the Respondent in a written communication addressed by him to the Petitioner on 15 April 2013 calling upon the Petitioner to confirm the balance of Rs.1.80 lacs as of 31 March 2013 due and outstanding by the Respondent to the Petitioner. This has since been confirmed by the Petitioner. The Petitioner's statutory notice dated 23 July 2013 followed by the Advocate's notice dated 15 October 2013 is neither complied with nor replied to by the Respondent. There is no reply filed by the

Respondent to the present petition.

2 When the petition was taken up for admission, nobody appeared for respondent. Having regard to the fact that petitioner's debt referred to in the petition was not contested by respondent and in view of the fact that there is an admission of liability in its books which is also communicated by letter dated 15.4.2013, the court was pleased to admit the petition on 28.9.2015 and passed directions to advertise the petition.

3 Petitioner has filed an affidavit of service of one Z.S.Ansari affirmed on 30.11.2015 confirming advertisement in Free Press General, Navshakti and Maharashtra Govt. Gazette. Registry has also filed report dated 17.3.2016 confirming service of notice under Rule 28 of Company Court Rules. Even after receiving the notice, company has chosen not to appear or file affidavit opposing the petition.

4 In the circumstances, it is clear that the company is unable to pay its debts, commercially insolvent and requires to be wound up. Petition therefore, allowed in terms of prayer clause-(a) which reads as under :-

“(a) M/s.Trident Communications Products Private Limited, be ordered to be wound up under the provisions of Companies Act I of 1956 under superintendence and supervision and control of this Hon'ble Court and Official Liquidator be appointed thereof to take charge of the assets, effects, records, books of accounts of the Company and to realize the same and distribute among the creditors in accordance with the provision of law.”

(K.R.SHRIRAM,J)