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

COMPANY PETITION NO.264 OF 2015

Aramex India Pvt. Ltd.	...Petitioner
V/s.	
Blazeflash Couriers Ltd.	...Respondent

Ms.Supriya Mujumdar i/b M/s.Halai & Co. 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 tenders affidavit of service. Pursuant to an order dated 17th October, 2016 passed by this Court, the petition has been already advertised. Affidavit of service is taken on record. 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 and the respondent had entered into an agreement on 21st July, 2005. The petitioner had agreed to provide technical information, know – how and assistance to the respondent.

Under the said agreement, the respondent became liable to pay Rs.11,75,488/- as on 31st March, 2014 to the petitioner.

4. Since the respondent did not make payment of the said amount due to the petitioner, the petitioner issued a statutory notice dated 7th July, 2014, which was returned unserved with postal remark "left". The petitioner accordingly filed this company petition.

5. By a reasoned order passed by this Court on 17th October, 2016 after considering the documents on record, this Court has observed that the company is deemed to be insolvent and is unable to pay its debts as and when they arrive in usual course. This Court considered the financial difficulties pleaded by the respondent in the email exchanged on 26th March, 2014.

6. A perusal of the record indicates that the respondent has admitted its liability and has failed to pay the payment under 13 invoices, except part payment made against three invoices. The respondent company does not have any defence and is unable to pay its debts and is commercially insolvent.

7. I therefore, pass the following order :-

a). The company petition is made in terms of prayer clauses (a) and (b). In view of this Court having appointed the Official Liquidator, this Court is not appointing any other person as a care taker or managing director of the respondent. No order as to costs.

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

(R.D. DHANUKA, J.)