

vai

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

COMPANY PETITION NO.62 OF 2015

Real Image Media Technologies Pvt. Ltd.	...Petitioner
V/s.	
Digital Cinema & Technology (India) Pvt. Ltd.	...Respondent

Mr.Vishal Kanade with Mrs.Gauri Memon i/b Nankani & Associates
for the Petitioner.
None for the Respondent.

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

P.C. :-

1. Mr.Kanade, learned counsel appearing for the petitioner states that the respondent is served. The petitioner has already filed affidavit of service dated 14th December, 2016. The same is already 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. This Court has rendered detailed reasons in order dated 21st March, 2016 in this company petition while admitting the company petition holding that the respondent has admitted its liability

at least to the tune of Rs.1.13 crores.

4. By a separate order passed by this Court on 7th September, 2016, this Court has already appointed the Official Liquidator as Provisional Liquidator of the respondent in Company Application No.383 of 2016. The said order is not impugned by the respondent. None of these orders have been challenged by the respondent.

5. With the assistance of the petitioner, I have perused the documents annexed to the petition which were already dealt with by this Court in the orders dated 21st March, 2016 and 7th September, 2016.

6. For the reasons recorded in the said two orders, I am of the *prima-facie* 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 No.62 of 2015 is made absolute in terms of prayer clause (a). Interim order already granted by this Court on 7th September, 2016 is continued.

8. The Official Liquidator to act on the authenticated copy of this order. There shall be no order as to costs.

(R.D. DHANUKA, J.)