

Nalawade

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

COMPANY PETITION NO. 21 OF 2016

Mgnifico Minerals Pvt. Ltd.

..Petitioner.

vs.

Synergy Universal Pvt. Ltd.

..Respondent.

Ms. Usha K. Srivastava i/by Consulta Juris for the
Petitioner.

None for the Respondent.

CORAM :A.S.GADKARI, J.

DATE : 28th June, 2017

P.C.

1. By the present petition under Section 433(e) and 434 of the Company Act, 1956 the petitioner has prayed for winding up of the respondent company namely Synergy Universal Pvt. Ltd.

That, as per the orders placed by the respondent company the petitioner sold, supplied and delivered the goods i.e. coal to the respondent and raised various invoices in that behalf. The respondent company has acknowledged the balance of payment on the ledger account of the petitioner on 27.7.2015 and has put its seal on the same. The extract of the ledger account is annexed at Page 27 of the petition. As the respondent failed and neglected to make the payment of outstanding amount of Rs.83,80,145.49 (Rupees Eighty three lacs eighty thousand one forty five and forty nine paise) to the petitioner, the

petitioner issued a statutory notice to the respondent. The respondent duly received the said notice however has failed to comply and/or reply it.

2. The petitioner therefore, filed the present petition on 3.11.2015. The petition is accepted on 19.1.2016 and in pursuance of the directions issued by the Company Registrar petitioner has served the respondent and filed an affidavit of service dated 4.2.2016 on record. Despite service none appears for the respondent.

3. I have perused the petition and prima facie it appears that the respondent is unable to pay the debt of the petitioner and is commercial insolvent.

4. Hence, the following order.

i) The Company Petition is admitted and made returnable on 16.8.2017.

ii) The petitioner is directed to advertise the petition in two local newspapers viz, "Free Press Journal"(in English and "Navshakti" (in Marathi) and also in the Maharashtra Government Gazette. Any delay in publication of the advertisement in the Maharashtra Government Gazette and any resultant inadequacy of notice shall not invalidate such advertisement or notice and shall not constitute non compliance with this direction or with the Companies (Court) Rules, 1959.

iii) The petitioner shall also deposit an amount of Rs.10,000/-with the Prothonotary and Senior Master of this Court with intimation to the Company Registrar towards

publication charges, within a period of two weeks from the date of this order, failing which the petition shall stand dismissed for non prosecution without further reference to the Court.

iv) Notice under Rule 28 of the Companies (Court) Rules, 1959 be served upon the respondent company.

(A.S.GADKARI, J.)