

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORIGINAL JURISDICTION)

Friday, the 30th day of August, 2019

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

COMP.APPLN.NO.562 OF 2017

in

COMP.PETN.NO.371 OF 2015

In the matter of the Companies
Act, 1956

and

In the matter of M/s.ETA Star
Infrastructure Ltd
(In Liquidation)

M/s. NKC Projects Pvt Ltd.,
207, Iind Floor, Gupta Tower-1,
Vikas Puri,
New Delhi 110 018

Rep.by Mr.Sandeep Agarwal,
General Manager (Finance & Accounts)

...Petitioner

-Vs-

M/s. ETA Star Infrastructure Ltd.,
Rep.by its Managing Director,
No.10 & 11, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004

...Respondent

Comp.A.No.562/2017:

The Official Liquidator
High Court, Madras
as the Provisional Liquidator
of ETA Star Infrastructure Ltd.,

.. Applicant

-Vs-

1.Ashraf Abdul Rahman,
Buhari,
No.8,Subba Rao Avenue,
3rd Street, Nungambakkam,
Chennai 600 034

2. Sathak Ansari,
No.6, Krishna Street
Village Road,
Nungambakkam, Chennai 600 034

3.M/s. Pink City Expressway Pvt Ltd.,
 4th Floor, Raheja Square, Sector -2
 IMT Manesar, Gurgaon 122050
 Haryana.
 (3rd Respondent impleaded as
 per order dt 16.07.2018 in
 C.A.No.433/2018)

..Respondents

This Company Application praying that this Hon'ble Court be pleased to:-

a). To take the report of the Official Liquidator on record on the file of this Honble Court.

b). To summon the respondents and examine before this Honble Court and to furnish the details of the affairs of the company and to deliver all the assets and books/records of the subject company as required under section 468 of the Companies Act, 1956.

c) To direct the respondents to deliver the statement of Affairs as required under section 454 of the Companies, Act 1956 to the Official Liquidator forthwith.

This Company Application coming on this day before this Court for hearing the court made the following order:

This Application has been filed seeking for the following reliefs:

a) To take the report of the Official Liquidator on record on the file of this Court.

b) To summon the respondents and examine before this Court and to furnish the details of the affairs of the company and to deliver all the assets and books / records of the subject company as required under Section 468 of the Companies Act, 1956.

c) To direct the respondents to deliver the statement of affairs as required under Section 454 of the Companies Act, 1956 to the Official Liquidator.

2. Despite the service of notice, none appeared for the impleaded third respondent. It is the contention of the learned Official Liquidator that the Ex-director stated before him that all the relevant documents are in the custody of the impleaded third respondent, Pink City Expressway Pvt.Ltd. Only after getting the documents, we can proceed further. Therefore, he sought to issue notice, as the summons have not been served. The notices were served to the third respondent and none appeared on behalf of them.

3. Registry is directed to Issue bailable warrant against the Director of Pink City Expressway Private Ltd., 4th Floor, Raheja Square, HSIIDC, IMT Manesar, Gurgaon, Haryana - 122050, for execution. For production of the bailable warrant issued against the Director of Pink City

Expressway Private Ltd., 4th Floor, Raheja Square, HSIIDC, IMT Manesar, Gurgaon, Haryana - 122050, shall be dispatched to the Commissioner of Police, Haryana State for execution of the warrant and for his production before this Court on 18.10.2019.

Sd./-N.S.K.J
30.08.2019

Certified to be true copy//
Dated at Madras this the day of 2019.

JJ 04/10/2019

COURT OFFICER(O.S.)
From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.