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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.P. No. 174 of 2013 (O&M)

Date of decision: 27th Feb. 2017

SWINDER SINGH

.....PETITIONER.

VS

M/S PRATHAM BUILDCALL PRIVATE LIMITED.

.....RESPONDENT COMPANY

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

Present: Mr.Yash Pal Gupta, Advocate for the petitioner.

None for the respondent.

M.M.S.BEDI, J

The present petition has been filed by the petitioner under Sections 433(e) 434 and 439 of the Companies Act, 1956 for winding up of the respondent company for non-payment of its debts.

The detailed facts of the case have been enumerated in the order dated 20.10.2015 and after due consideration, the petition was ordered to be admitted and the factum of admission was ordered to be published in the newspapers namely 'Indian Express' (English) and 'Punjab Kesri' (Hindi) both Punjab Editions and in the official Gazette of Government of Punjab.

The affidavit of publication was filed in the Court on 16.2.2016 and was taken on record and the case was adjourned on the request of the counsel for the respondent company for 8.3.2016. Thereafter, for the last three dates, no one

has put appearance on behalf of the respondent-company to contest the petition. Hence, this Court is inclined to apply the principles of non-traverse and accepts the averments made by the petitioner as true and correct that debt is admitted and is not being disputed by the respondent company. Therefore, the respondent company deserves to be wound up. Ordered accordingly.

The Official Liquidator is appointed Liquidator of the respondent company and he is directed to take charge of all the movable and immovable assets and records of the respondent company and proceed further in accordance with law.

The winding up order be published in newspapers namely 'Indian Express' (English) and 'Punjab Kesri' (Hindi) both Punjab Editions, and in the official Gazette of Government of Punjab.

The petition is disposed of.

(M.M.S.BEDI)
JUDGE

27.02.2017

Sanjay

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No