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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CO.PET. 41/2017

IN THE MATTER OF HUNT AND PALMER AIR
CHARTER INDIA PRIVATE LIMITED(IN VOL.LIQN)

..... Petitioner

Through : Ms.Ruchi Sindhwani, Advocate for
Official Liquidator.

versus

....

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **16.08.2017**

This petition is for voluntary liquidation and a default notice was issued to the voluntary liquidator since it is alleged that he had not called the general meeting and hence is liable under Section 497 (7) of the Companies Act, 1956.

It is submitted by learned counsel for the Official Liquidator that as per Section 497 (1) (b) of the Companies Act the general meeting of the company for the purpose of laying the accounts needs to be called by the liquidator if the company is to be wound up and as per sub-section (2) such meeting be called by an advertisement published not less than one month before the meeting, in the official gazette and also in some newspaper circulated in the district where the registered office of the company is situated.

It is not denied that notice of the general meeting was published in the newspapers 'Financial Express' (English) and 'Hari Bhomi' (Hindi) both dated 11.01.2017 a month prior to the general meeting. However, the notice of the meeting came to be published in the official gazette only on 25.02.2017 i.e. two days after the meeting was held.

Since the notice of the meeting was published in two newspapers and since meeting was held and attended by all concerned, so the delay in publishing the meeting notice in official gazette stands condoned. Further as the general meeting was held on 23.02.2017, sub section (7) of Section 497 of the Companies Act, 1956 would not apply.

The petition is accordingly disposed of with liberty to file fresh petition for voluntary liquidation.

YOGESH KHANNA, J

AUGUST 16, 2017

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