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

% Date of Decision: 31.10.2017

\+ CO.PET. 58/2017

EVALUATIVE FINANCE AND INVESTMENT PRIVATE LIMITED (IN VOL.LIQN,) ..... Petitioner

Through Mr. Kunal Sharma, Adv. for OL.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J. (Oral)

1. This is a petition, filed under Section 497(6) of the Companies Act, 1956 (*herein referred to as "the Act")*, by the Official Liquidator (OL) for the voluntary winding up of Evaluative Finance and Investment Private Limited *(herein referred to as the "said company*"*).*

2. The said company was incorporated on 14.11.2013 under the provisions of the Act with the Registrar of Companies (ROC) having its registered office situated at 1st Floor, East Tower, NBCC Place, Bhishma Pitamah Marg, Pragati Vihar, Lodhi Road, New Delhi-110003.

3. The ROC was informed about the Voluntary Winding up of the said company when Board of Directors declared their solvency in the meeting, held on 23.01.2016. The said declaration was executed in Form 149, as prescribed under Rule 313 of the Companies (Court) Rules, 1959.

4. Thereafter, the said company under the provision of Section 490 of the Act had passed a special resolution in its Extraordinary General Meeting,

held on 07.03.2016, for the voluntary winding up of the said company and Mr. Mahinder Kumar Minocha was appointed as the Voluntary Liquidator of the said company. Notice was also issued for appointment of Voluntary Liquidator under Rule 315 of the Companies (Court) Rules, 1959 along with requisite forms which were also filed with the ROC

5. As per the requirement under section 485 of the Act the said company had published the notification of the said resolution for the voluntary winding up of the said company in the two newspapers, namely "The Hindu" (English) and "Vir Arjun" (Hindi) on 17.03.2016 as well as in the Official Gazette on 09.04.2016. The Memorandum of Association and the Articles of Association were also filed with the office of the OL.

6. Pursuant to Section 497 of the Act, the Voluntary Liquidator published the final Extraordinary General Meeting of the members was held on 05.09.2016 and the Voluntary Liquidator had also filed the final accounts of the Company in Forms No. 156 and 157, as prescribed under Rules 329 and 331 of the Companies Court Rules, (1959), before the ROC and to the OL.

7. The OL has received No Objection Certificates from the Registrar of Companies, the Income Tax Department and the Voluntary Liquidator on 06.03.2017 and 15.07.2016.

8. Mr. Manish Uppal one of the director of the said company, has filed an Indemnity Bond, dated 14.09.2017, with the OL to pay and settle all lawful claims/dues arising in future after the winding up of the company, he further indemnifies to settle and pay any dues/ shortage/ tax liabilities which arises with the departments/ authorities of Local/ State/ Central Government of India even after the liquidation of the said company.

9. The OL has scrutinized the records submitted by the Voluntary Liquidator and has recorded the necessary satisfaction, as prescribed under section 484 to 497 of the Act, that the affairs of the said company which does not appear to have been conducted in a manner prejudicial to the interest of its members.

10. Hence, the OL in these circumstances, has sought the winding up and final dissolution of the Company from the date of filing of the petition i.e. 21.09.2017.

11. In view of the above and the satisfaction recorded by the OL, the said Company is wound up and shall be deemed to be dissolved with effect from the date of the filing of the petition i.e. 21.09.2017.

12. A copy of the order be filed by the OL with the ROC within the statutory period as per the provisions of the Act.

13. The petition is disposed of.

JAYANT NATH, J

OCTOBER 31, 2017
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