

**IN THE HIGH COURT OF BOMBAY AT GOA****COMPANY PETITION NO.1 OF 2015**

Right Control Interior Decorators  
a proprietary concern of Rajesh  
Vittal Baviskar having office at  
Sri Siddhivinayak Commercial  
Complex, Plot No.26, Office no.7  
1<sup>st</sup> Floor, Sector 10, Airoli,  
Navi Mumbai 400 708  
(State of Maharashtra) .. Petitioner

Shri P. A. Kholkar, Advocate for the Petitioner.

**CORAM :- C. V. BHADANG, J.**

**Reserved on : 14<sup>th</sup> June, 2018**

**Pronounced on : 19<sup>th</sup> June, 2018**

**JUDGMENT :**

This is a petition under Sections 433, 434 and 439 of the Companies Act, 1956 (The Act, for short) for winding up of Goa Agro Oils Limited, a Company incorporated under the Act (Company, for short). According to the petitioner, Goa Agro Oils Ltd was original incorporated as Bharat Edible Oils and Fats Ltd on 19/03/1986. Subsequently, the name of the Company was changed to Goa Agro Oils Limited and a fresh certificate of incorporation was issued on 22/03/1991. The Authorised Capital of the Company is Rs.5 Crores consisting of 50 lakhs shares of Rs.10 each. The issued, subscribed and paid up capital of the said Company is Rs.3,79,50,700/-. The registered office of the Company

is situated at Alto Santa Cruz, Bambolim, Goa.

2. The petitioner is a Proprietorship concern of Rajesh Baviskar, who is engaged in the business of providing and fixing interiors and is also working as a Civil Contractor.

3. The petitioner was awarded a contract by the said Company for providing and fixing interiors and for some civil work, somewhere in the month of March, 2013. The petitioner executed the work along with certain extra civil work to the satisfaction of the Company and issued an invoice for Rs.1,21,385/- towards the costs of the work undertaken. After deducting an advance of Rs.20,000/-, the outstanding amount payable by the Company was Rs.1,01,385/-. The Company failed to pay the said sum, in spite of a notice and reminders. The petitioner ultimately issued a statutory notice on 27/06/2014, demanding the amount. The Company failed to comply with the same, in spite of service. It is in these circumstances that the petitioner has filed the present petition.

4. On 19/03/2015, the present petition came to be admitted as this Court found that there was no appearance on behalf of the Company in spite of service and the averments in the

petition had gone uncontroverted. Subsequently, a public notice was issued in two newspapers namely 'Navhind Times' and daily 'Gomantak'. The respondent Company also came to be served after admission. However, again, there was no appearance. Hence, on 13/08/2015, this Court issued a notice of final hearing, which has been served on the Company. However, the Company has chosen not to appear in the petition.

5. I have heard Shri Kholkar, the learned Counsel for the petitioner and perused record.

6. The present petition is retained on the file of this Court in as much as the petition has been served on the respondent as required by Rule 26 of the Companies (Court) Rules, 1959. (See the decision of this Court in **West Hills Realty Private Ltd Vs. Neelkamal Realtors Tower Pvt. Ltd.**; 2017(2) BCR 693.)

7. It is apparent that the Company has failed to appear and to contest the petition. The averments made in the petition have, thus, gone uncontroverted. The petitioner has produced his affidavit along with quotation, tax invoice, notice and the reminders, demanding an amount of Rs.1,01,385/-, which the respondent Company has failed to pay. In the circumstances, the

petition deserves to be allowed.

8. In the result, the petition is allowed in terms of prayer clause (a), which reads as under :

(a) M/s. Goa Agro Oils Ltd., be wound up under the superintendence of the Hon'ble Court and Official Liquidator attached to the Hon'ble High Court of Bombay at Goa be appointed Liquidator thereof with usual powers under the provisions of the Companies Act with direction to take forthwith in its custody the assets and effects of the said Company.

9. The petitioner shall take steps as required as per rule 113 of the Company (Court) Rules, 1959 by publication of the notice, one each in English and Marathi daily. The Registrar (Judicial) of this Court shall intimate about the passing of the order to the Registrar of Companies or Official Liquidator within 7 days.

**C. V. BHADANG, J.**

SMA