

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 595 OF 2015**

Maher Anis Quader

.. Petitioner

Vs.

Blue Ridge Hotels Pvt. Ltd.

.. Respondent

Mr.Naushad Engineer a/w. Mr.Malvyn Fernandes and Mr.Jineshkumar Gandhi I/b Vaisha Associates for petitioner.

Mr.Saket Mone a/w. Ms.Chitrika Patki I/b Vidhii Partners for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 28TH JUNE 2018

P.C.

1 Respondent has placed on record an affidavit of one Rajib Dattaray, affirmed on 14th June 2018 to which is annexed is an extract of a resolution passed on 13th April 2018 whereby Shri Dattaray is authorized to inform the Court that the company does not wish to contest the petition. In view of this affidavit, Shri Mone appearing for the company states that the company can be wound up.

2 On record is an affidavit of one Mangesh Waghmare, affirmed on 12th July 2017 confirming advertising the petition in Navshakti and Free Press Journal on 10th July 2017 and an affidavit of one Jineshkumar Anil Gandhi, affirmed on 17th July 2017 confirming advertising the petition in Maharashtra Government Gazette for the period July 13-19, 2017 at Sr. No.M-17104. Notice under Rule 28 of the Company (Courts) Rules, 1959

has been waived and in any event is waived today by Shri Mone.

3 Therefore, the company petition is allowed in terms of prayer clauses (a) and (b) which read as under :-

(a) That the Respondent Company, be ordered to be wound up by and under the directions of this Hon'ble Court.

(b) That the Official Liquidator attached to this Hon'ble Court be appointed the liquidator of the Respondent Company, with all powers under the provisions of the Companies Act, 1956.

4 Shri Mone states that the cost of Rs.1,00,000/- that was directed to be paid by the order dated 8th February 2018 read with the order dated 1st March 2018 and read with the order dated 4th May 2018 has been paid and the Court may direct the Prothonotary and Senior Master, High Court, Bombay to pay the amount of Rs.1 lakhs that the company has deposited to petitioner's advocate towards cost. The Prothonotary and Senior Master to pay over this amount of Rs.1 lakhs to petitioner's advocates.

It is clarified that this amount of Rs.1 lakh will not form part of the company's assets and the official liquidator cannot lay any claim in this.

5 The official liquidator shall also launch investigation into the affairs of the company in accordance with the provisions of the Companies Act, 1956 and if necessary file complaint with Economic Offence Wing (EOW)

or with CBI and exercise his powers in law.

6 The official liquidator to consider this petition itself as an affidavit of proof of debt and while adjudicating, should keep in mind that the company has not contested the claim of petitioner.

7 The Ex-directors of the company to file a statement of affairs with the official liquidator within three weeks from today.

8 Shri Mone, on instructions from Shri Dattaray, states that Shri Dattaray will personally ensure that the statement of affairs is filed with the official liquidator within 21 days period as per provisions of Section 454 of the Companies Act, 1956. Statement accepted as personal undertaking to this Court by Shri Dattaray.

9 Company petition accordingly disposed.

(K.R. SHRIRAM, J.)