

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY PETITION NO.344 OF 2016

TCM Forwarders (I) Pvt. Ltd.)....Petitioner
V/s.

Guru Meher Textile Mills Pvt. Ltd.)....Respondent

Ms.Archana Jaisingh i/by Vandana D.Jaingh for petitioner.
Ms.Rajalaksmy Monhandas for respondent.

CORAM : K.R.SHRIRAM,J

DATE : 5.2.2018

P.C.:-

1 This petition is filed to wind up respondent-company Guru Meher Textile Mills Pvt. Ltd. on the ground that respondent was unable to pay its debts and is commercially insolvent.

2 I am not going into merits of the matter because what I am going to state below itself is enough to dismiss the petition.

3 During the course of arguments, it was mentioned by the counsel for respondent that respondent had paid a sum of Rs.10,00,000/- through an agent and there was no reference to that in the petition. Counsel for petitioner stated that it is mentioned in the rejoinder. Counsel for petitioner also submitted that it was not clear whether Rs.10,00,000/- was to be adjusted towards dues of the

company or the agent or was it only a security amount given by the agent. Counsel stated that petitioner had not given instructions to the advocate about this payment of Rs.10,00,000/- received through the agent.

4 In my view, this fact of having received Rs.10,00,000/- from the agent ought to have been disclosed in the petition. The petition therefore, suffers from suppression of material fact. On this ground alone petition stands dismissed.

(K.R.SHRIRAM,J)