

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

COMPANY PETITION NO.616 OF 2016

M/s.Stalian Investment Pvt. Ltd.)....Petitioner
V/s.

Killick Halco Ltd.)....Respondent

Mr.Shilpan Gaonkar a/w Ms.Tejal Kurdukar i/by Ashwin Pandya & Associates for petitioner.

Ms.Aditi Pawar i/by S.R.Gudhka for respondent.

CORAM : K.R.SHRIRAM,J

DATE : 4.5.2018

P.C.:-

1 The petition is filed for winding up of the respondent company-Killick Halco Ltd. on the grounds that the company is unable to pay its debts to petitioner and is commercially insolvent.

2 On 3rd August 2017, at the time of admission, the following order came to be passed :-

“1] By the present petition under Section 433(c), read with 433(f) of the Companies Act, 1956, the petitioner has prayed for winding up of the respondent-Company namely Killick Halco Ltd.

2] Perused the petition and documents annexed thereto.

3] The petitioner is a share holder of the respondent-company and in the correspondence exchanged between them, it revealed that the respondent stopped its functioning for a period of more than one year prior to 10.2.2016. The respondent has filed affidavit-in-reply

*dated 1.8.2017 and in para-3, the respondent has admitted that the respondent-company is defunct since more than a decade. In view of the clear admission given by the respondent that, the company has become defunct since more than a decade, the petition deserves to be admitted.
.....”*

3 Ms.Pawar for the company states that the company does not wish to contest the petition as the company is defunct and wound up. Ms.Pawar states that this has been stated so in an affidavit of Shivanand Rama Hemmady affirmed on 1.8.2017. In paragraph-3 it says that the company is defunct since more than a decade. There is an affidavit of one Gajanan More affirmed on 1.2.2018 confirming advertising the petition in 'Free Press Journal' and 'Navshakti' on 2.1.2018 and in Maharashtra Government Gazette for the period 18.1.2018 to 24.1.2018 at Serial No.M-17293. Ms.Pawar states that she will not insist for notice under Rule 28 because service report filed by the company department states “BAG OPENED”.

4 Therefore, the petition is allowed in terms of prayer clauses-(a) which reads as under :-

“(a) That the said Company i.e., Killick Halco Limited having its registered office at Plot No.A/30, STICE, Musalgaon, Taluka Sinnar, District Nashik 422 112, Maharashtra, be ordered and directed to be wound up

by and under the directions of this Hon'ble Court under the provisions of the Companies Act, 1956”

5 The advocate for petitioner shall file a copy of this order, duly authenticated by the Associate of this court with the office of Official Liquidator. The Official Liquidator shall forthwith act thereupon without waiting for any notification appointing him as liquidator.

6 Registry to return the amount of Rs.10,000/- deposited by petitioner subject to deductions if any.

7 Petition disposed accordingly.

(K.R.SHRIRAM,J)