

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

COMPANY PETITION NO. 22 OF 2016

M/s. Mysore Timber Trading Company	.. Petitioner
Vs.	
Gstaad Hotel Pvt. Ltd.	.. Respondent

Mr. Abhay Arora i/b Neha D. Bhosale for petitioner.

Ms. Vidya Nair a/w. Ms. Ruchi Khajanchi i/b Dhiren H. Shah for respondent.

**CORAM : K.R.SHRIRAM, J.
DATE : 13TH APRIL 2018**

P.C.

1. The petition is filed for winding up of the company-Gstaad Hotel Pvt. Ltd. (the company) on the ground that the company is unable to discharge its debts.

2. Petition came to be admitted on 8th August 2017 when respondent did not remain present. Today when the petition is taken up for final hearing, Ms. Nair appearing for the company, at the outset, states that even if one does not go into the merits of the matter, petition itself is ex-facie barred by limitation.

3. In paragraph 16 of the petition, there is an averment that petition is NOT barred by limitation. In the petition, it is alleged that the company is indebted to petitioner IN the sum of Rs.40,43,696/-. As Ms. Nair pointed

out, at Exh.'B' annexed to the petition, is a letter dated 20th November 2012 from petitioner to the company in which it is stated that the last payment was made by the company was in the month of April 2012 and the balance of Rs.40,43,696/- is due and payable. It is petitioner's case that the supply of materials were made between 1st April 2009 to 3rd March 2012 to the petition and this petition was lodged on 3rd June 2015. As the petition has been lodged more than three years after April-2012, the same is ex-facie barred by limitation.

4. In the circumstances, petition dismissed.

5. The company to advertise the dismissal of the petition in two local newspapers, viz., Free Press Journal and Navshakti in the format prescribed by the Company Registrar within two weeks from today.

(K.R. SHRIRAM, J.)