

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 251 OF 2015**

M/s. Shivsai Construction

.. Petitioner

Vs.

Sterling Construction Systems Pvt. Ltd.

.. Respondent

Mr.Shrey Fatteperkar a/w. Mr.Hridhay Khurana I/b HK Law Associates for petitioner.

Mr.S.B. Bhatagunaki for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 9TH AUGUST 2018

P.C.

1 On 19th July 2018, the counsel for respondent made a statement to the Court that the company can be wound up because there are no employees and no business is being carried out. On 19th July 2018, order of winding up was not passed because petitioner had not advertised the petition in Maharashtra Government Gazette.

2 Today, petitioner has placed on record an affidavit of one Mangesh Kamble affirmed on 9th August 2018 confirming advertising the petition in Free Press Journal and Navshakti on 19th June 2018 and in the Maharashtra Government Gazette for the period 26th July – 1st August 2018 at Serial No. M-18125. Notice under Rule 28 of the Companies (Court) Rules, 1959 has been waived by the company at the time of admission.

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

“(a) that the Respondent, having its registered office address having Silvex House, Nana Master Nager, Opp. Royal Garden, Karjat 410 201, Maharashtra, India, be wound up by and under the directions of this Hon'ble Court under the provisions of the Companies Act, 1956;

(b) that the Official Liquidator be appointed the Liquidator of the Company to take charge of the assets, books of account and properties of the Respondent with all powers under the provisions of the Companies Act, 1956.”

4 Official Liquidator, within two weeks, to take steps upon receiving an authenticated copy of this order from the advocate for petitioner without waiting for any notification. The counsel for petitioner is also directed to forward a copy of this order to National Company Law Tribunal for information.

5 Upon receipt of the authenticated copy from petitioner's advocate, Official Liquidator shall forthwith cause notice to all concerned Directors calling upon them to file their respective statement of affairs strictly in consonance with the provision of law. All Directors of respondent company, now in liquidation, are hereby directed to file their respective statement of affairs as required under Section 454 of the Companies Act 1956, failing which Official Liquidator shall proceed further and lodge criminal complaint against the erring Directors, without seeking prior sanction of this Court for initiation of criminal prosecution.

6 Company Petition accordingly stands disposed.

7 Prothonotary and Senior Master, High Court, Bombay to
refund the amount of Rs.15,000/- deposited by petitioner towards
advertisement, subject to deductions, if any.

(K.R. SHRIRAM, J.)

Shraddha
Kamlesh
Talekar

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Shraddha Kamlesh
Talekar
Date: 2018.08.14
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