

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

COMPANY PETITION NO.933 OF 2015

Vaishali Yevle

....Petitioner

Vs.

M/s. Class One Roofing Solutions Pvt. Ltd.

....Respondent

Mr. Ali Patel i/b. Mr. Jamshed Ansari for petitioner.

None for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 25th JANUARY, 2018

PC.:

1 By this petition, petitioner is seeking winding up of respondent company – M/s. Class One Roofing Solutions Pvt. Ltd. (the company) on the ground that respondent is indebted to petitioner, is unable to discharge its debts and is commercially insolvent.

2 As recorded in the order dated 17th December, 2015, parties had entered into consent terms dated 17th December, 2015 which was taken on record. The company had admitted liability to the extent of Rs.2,56,725/- excluding interest and given an undertaking to this Court to make the entire payment on or before 30th December, 2015. In the consent terms, it was also mentioned that if there was default in making payment by 30th December, 2015, the petition to be admitted and advertised. On 14th March, 2016, this Court noted that no amount has been paid and advocate for the company informed the Court that the company is unable

to pay its debts. By an order dated 15th March, 2016, the petition was admitted and directed to be advertised. Notice under Rule 28 of the Companies (Court) Rules, 1959 has been waived.

3 On record is an affidavit of one Swapnil Vijay Pardhe affirmed on 6th May, 2016 confirming advertising the petition in Free Press Journal and Navshakti on 6th April, 2016 and in the Maharashtra Government Gazette for the period April 28-May 4, 2016 at Serial No.19.

4 I have heard Mr. Patel, counsel for petitioner and also considered the petition and the documents annexed to the petition and also considered the consent terms. It is, therefore, obvious that the company is unable to discharge its debts, is commercially insolvent and requires to be wound up.

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

(a) M/s. Class One Roofing Solutions Pvt. Ltd., having Registration Number 11-178544 of 2002 and having CIN – U25200MH2008PTC178544 be wound up by and under the orders and directions of this Hon'ble Court under the provisions of the Companies Act, 1956;

(b) that Official Liquidator, High Court, Bombay or any other fit and proper person be appointed as Liquidator of all assets, properties, funds and affairs of M/s. Class One Roofing Solutions Pvt. Ltd.

6 Official Liquidator to take steps immediately without waiting for notification.

7 Company petition accordingly stands disposed.

(K.R. SHRIRAM, J.)