

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

COMPANY PETITION NO. 1310 OF 2015

M/s. Bhangaria and Co.	.. Petitioner
Vs.	
Filtrona India Limited	.. Respondent

Ms.Dipti Shah for petitioner.

Mr. Kevin Chettiar for respondent.

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

P.C.

1. Shri Chettiar appearing for the company states that the company is unable to discharge its debt and be wound up.

2. In fact, in the affidavit in reply dated 28th June 2017 of one Shivanand Rama Hemmady affirmed on 28th June 2017, the company has admitted its liability to petitioner and has also stated the company is commercially insolvent and is unable to discharge its debts.

On record is a service report dated 10th August 2017 filed by the company department stating that the notice sent to the company under Rule 28 of the Companies (Court) Rules, 1959 returned with the endorsement 'left'. Shri Chettiar also states that the notice be deemed to have been waived.

3. There is an affidavit of one Ms.Bhumika Shah affirmed on 31st August 2017 confirming service of the notice in Free Press Journal and Navshakti on 10th August 2017 and in Maharashtra Government Gazette for the period 24-08-2017 to 30-08-2017 at Sr. No.17165.

4. Since all procedural requirements have been complied with and in view of the statement made by the advocate for the company, petition allowed in terms of prayer clauses (a) and (b) which read as under :-

“(a) That the said Company, i.e., FILTRONA INDIA LIMITED, having its registered office at Killick Estate, Baji Pasalkar Marg, Chandivali, Mumbai 400073 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.

(b) That the Official Liquidator, High Court, Bombay or some other fit and proper person be appointed as the Liquidator of the assets, properties and income as also the business of the said Company with all powers under the Companies Act 1956.”

5. The official liquidator to take immediate steps without waiting for any notification.

6. The company petition accordingly disposed.

(K.R. SHRIRAM, J.)