

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Company Appeal No.12 of 2005

In

Company Petition No.7 of 2003

[M/s. Vittan Aerospace P. Ltd. M/s. I.A.L. Shipping agencies (Mumbai)
Ltd.]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Dr. Anjan De, Advocate for Official Liquidator.
Smt. S.S. Wandile, Advocate for Respondent.

Coram : R.K. Deshpande & M.G. Giratkar, JJ.

Date : 25th January, 2018

The challenge in this appeal is to the judgment and order dated 21-4-2005 passed in Company Petition No.7 of 2003 by the learned Company Judge, thereby winding up the Company and appointing the Liquidator for the purposes of carrying out the proceedings.

This appeal was admitted on 15-12-2005 and further proceedings before the learned Company Judge were stayed. On 20-4-2006, this Court passed an order as under :

“1/ Mr J.L. Bhoot, learned Advocate for applicant seeks time with a request to continue ad-interim relief. According to him, efforts of compromise are defeated by the

respondent.

2/ On perusal of record, it is seen that the appellant had accepted liability and is now avoiding to make payment in the guise of settlement of account. Prayer for grant of time to hold discussion and settlement can be considered only if the appellant pays directly to the respondent a sum of Rs.2,50,000/- within two weeks. If no payment is made, interim order passed by this Court on 15th December 2005 shall stand automatically vacated without reference to the Court. If the amount is paid and pursis is filed in this Court, matter be fixed after two weeks and in such eventuality the Court will consider request for grant of time to hold discussion for the purpose of settlement.

3/ Learned Advocate for appellant at this stage submits that instead of issuing direction to make payment, he would like to make payment voluntarily and in order to make statement, he wants one week's time. Request rejected."

The office endorsement shows that an amount of Rs.2,50,000/- was not deposited by the appellant in this Court; as a result of which, the interim order staying the further proceedings stood automatically vacated. It seems that the appellant is not interested.

In view of above, this company appeal is dismissed, and the Official Liquidator may proceed with the dissolution of the Company.

(M.G. Giratkar, J.)

(R.K. Deshpande, J.)

Lanjewar