

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

COMPANY PETITION No. 158 OF 2012

ORDER :

This Company Petition is filed seeking a direction to wind up the respondent company on the ground of its inability to discharge the liability to the petitioner company to the extent of \$ 56,000.

The petitioner company is a supplier of Film Master Software Licences, DVO Restore Software Feature and Premium Support for Film Master. While so, the respondent company placed a purchase order on 26.09.2009 for a total consideration of \$ 80,000, pursuant to which, the petitioner had supplied the said components. But however, the respondent company, in utter disregard of the agreed payment terms, failed to honour the same even after the invoices were raised. Statutory notice, therefore, was got issued by the petitioner company on 04.06.2012 which was duly received by the respondent company on 08.06.2012. Since there is no response, the petitioner was constrained to invoke the jurisdiction of this Court under Section 434 of the Companies Act, 1956.

On 23.12.2013, the Company Petition came to be admitted, as the counsel for the respondent reported no instructions. Publication of notice was also directed to be made in Visakhapatnam Edition of Times of India (English Daily) and Andhra Bhoomi (Telugu Daily), informing the date of hearing as 14.02.2014 and proof thereof has also been filed. Thereafter, the affidavit in lieu of chief-examination was filed on behalf of the petitioner reiterating the averments made in the Company Petition. As there was no representation on behalf of the respondent

company, it was set *ex parte vide* order dated 10.08.2015 and its right to cross-examine P.W.1 was forfeited. Thereafter, the matter underwent adjournments from time to time. Since there is no material controverting the averments made in the Company Petition that the respondent company had failed to discharge the liability to the petitioner, it is directed that the respondent company be wound up. The Official Liquidator shall take charge of the affairs of the company and proceed further in accordance with law.

The Company Petition is accordingly, allowed.

17th July 2018

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CHALLA KODANDA RAM, J