

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

COMPANY PETITION No.124 of 2016

ORDER:

This Company Petition is filed by the Petitioner Company under Sections 433 & 434 of the Companies Act, 1956, for winding up of the Respondent Company on the ground that it failed to pay a sum of Rs.68,51,591/- for the goods supplied.

By order, dated 05.12.2016, this Court while setting the respondent *ex parte*, admitted this Company Petition. Thereafter, the advertisement as required under Rule 96 of the Companies (Court) Rules, 1959, was published and proof of publication was filed on 10.02.2017.

Sri P.N. Rao, learned counsel, filed vakalat on behalf of the respondent on 30.12.2016. However, no counter-affidavit is filed.

By order, dated 25.09.2018, this Court directed the petitioner to file affidavit-in-chief of the concerned on or before 10.10.2018 and the deponent thereof to appear before the Court on 23.10.2018 for cross-examination. But, on 23.10.2018, when the matter was taken up, there was no representation on behalf of the petitioner, as such, the matter was directed to be listed on 30.10.2018 under the caption 'For Dismissal'. On 30.10.2018, when the matter was taken up, learned counsel for the petitioner submitted that in spite of efforts made by him, there is no

response from the petitioner, and thereby, he sought time for taking necessary steps. This Court acceding to the said request, adjourned the matter to 20.11.2018 subject to payment of costs of Rs.500/-. On 20.11.2018, when the matter was taken up, learned counsel for the petitioner submitted that he sent E-Mail as well as letter to the petitioner informing that the matter is coming up for filing affidavit-in-chief and in spite of the same, there are no instructions forthcoming. He filed a Memo to that effect. Therefore, he prays that the Court may record that the petitioner is no longer interested in prosecuting this matter.

Having regard to the above and as the Company Petition is of the year 2016, this Company Petition is closed for non-prosecution, leaving it open to the petitioner to workout the remedies as available to it under law for recovery of alleged dues from the respondent.

CHALLA KODANDA RAM, J

Dt:04.12.2018

kdl