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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 25.04.2018

+ CO.PET.11/2018

IN THE MATTER OF VINSHEE COAL CARRIERS (P) LIMITED
(IN VOL.LIQN.) Petitioner

Through: Mr.Deepak Anand, Adv. for OL

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J. (ORAL)

1. This is a petition filed under Section 497(6) of the Companies Act, 1956, (*herein referred to as "the Act"*) by the Official Liquidator (OL) for voluntary winding up of VINSHREE COAL CARRIERS (P) LIMITED (IN VOL. LIQN.) (*hereinafter referred to as the "said company"*) from the date of filing of the present petition.
2. The said Company was incorporated under the provisions of the Act, with the Registrar of Companies (ROC), NCT of Delhi and Haryana at New Delhi on 13.08.1996 with an authorized capital of Rs. 10,00,000/- divided into 10,000 Equity Shares of Rs. 100/- each.
3. A perusal of the petition shows that the registered office of the said company was within the territory of NCT of Delhi i.e. at C-1/1589, Vasant Kunj, New Delhi-110070, which falls within the jurisdiction of the ROC. It is further stated that the said company is involved in the business of transportation and carriers of coal and allied materials.

4. The said Company has passed a special resolution in its Extraordinary General Meeting held on 20.03.2012 for voluntary winding up of the Company, wherein, Ms. Kintoo Agarwal, was appointed as Voluntary Liquidator of the said Company at a remuneration fixed for Rs. 25,000/-.
5. The ROC was informed regarding the voluntary winding up and the appointment of the Voluntary Liquidator. Notices under Section 493 of the Act read with Rule 315 of the Company (Court) Rules, 1959, were issued and requisite forms were filed with the ROC.
6. The Declaration of Solvency was executed and approved by the Board of Directors in their meeting held on 19.03.2012 and the same has been filed with the office of the ROC in Form 149 as prescribed under Section 488 of the Act. The Statement of Assets and Liabilities as on 15.12.2011 of the said Company was filed by the Voluntary Liquidator.
7. The Voluntary Liquidator has filed the requisite forms and notices which were published in the Official Gazette on 22.03.2012 as well as in two newspapers namely in "Business Standard"(English and Hindi) on 14.04.2012 along with Memorandum of Association and Articles of Association with the Office of OL.
8. Pursuant to Section 497 of the Act, final Extraordinary General Meeting was held on 30.01.2015 and the Voluntary Liquidator filed the final accounts of the said Company in Forms No. 156 and 157, as prescribed under Rules 329 and 331 of the Companies (Court) Rules, 1959, before the ROC and to the OL.
9. The OL has received No Objection Certificates from the ROC as well as Income Tax Department.

10. The Voluntary Liquidator and one of the Director of the said company filed indemnity bond dated 19.01.2018, whereby they undertook to pay and settle all lawful claims arising in future after the winding up of the company/ to indemnify him for any losses that may rise pursuant to the winding up of the said company.

11. The OL has scrutinized the records submitted by the Voluntary Liquidator and has recorded satisfaction that necessary compliances of Section 497 of the Act, and the other relevant provisions of the Act, have been made and that the affairs of the Company have not been conducted in a manner prejudicial to the interest of its members.

12. The OL, in these circumstances, has sought winding up and final dissolution of the said Company from the date of filing of the petition i.e. 20.03.2018

13. In view of the above and the satisfaction recorded by the OL, the said Company is wound up and shall be deemed to be dissolved with effect from the date of the filing of the petition i.e. 20.03.2018

14. Copy of the order be filed by the OL with the ROC within the statutory period as per the Act.

15. The petition is accordingly disposed of.

JAYANT NATH, J.

APRIL 25, 2018/SS