$~ CP-31

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

\+ **CO.PET. 13/2018**

IN THE MATTER OF RAMAYANA HANDICRAFT (INDIA) PVT.LIMITED (IN VOL. LIQN.) ..... Petitioner

Through : None.

versus

.... Respondent

Through : Ms Ruchi Sindhwani, SC with Ms Megha Bharara, Advocate for OL.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

O R D E R

% **28.08.2018**

1. This petition is filed by the Official Liquidator under Section 497(6) & (7) for voluntary winding up of the Company.

2. A Resolution for voluntary winding up was passed by the members of the Company on 13.12.2008.

3. An extraordinary General Meeting was also convened on 13.12.2008 and a Special Resolution was passed for voluntary winding up of the Company. Mr Ajay Baroota was appointed as the Liquidator.

4. Learned counsel for the Official Liquidator points out that in terms of Section 485(1) of the Companies Act, 1956, notice of the resolution to wind up voluntarily is to be required through publication in the newspaper and official Gazette. It should be within fourteen days of the passing of the resolution.

5. In this case , one composite publication was effected by the Company in the newspaper namely "the Statesman" in English and "Veer Arjun" in Hindi on 18.12.2008 and in the Gazette on 10.01.2009. The final meeting of the members was held on 26.03.2011.

6. The Voluntary Liquidator has also submitted a No Objection Certificate on 08.03.2010 from the Income Tax Department stating that no demand is pending against the Company. The Director and Voluntary Liquidator have also filed Indemnity Bonds dated 25.06.2015 & 27.06.2015 to indemnify in favour of the Official Liquidator towards any claim made by any person or any authority. The Registrar of Companies (ROC) has also filed a no objection for dissolution of the Company.

7. However, there is a default by the Company in compliance of Section 497(2) and Section 501 of the Act. In view of non-compliance of Section 497(2) and Section 501 of the Companies Act, 1956, the liquidator is fined for a sum of Rs.10,000/-. This amount will be paid within four weeks to the Common Pool Fund of the Official Liquidator.

8. The Company in question stands dissolved with effect from today.

9. The petition stands disposed of.

JAYANT NATH, J

AUGUST 28, 2018
'$n'