$~CP-43

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

% ***Date of Decision*: 13.03.2018**

\+ CO.PET.04/2018

MAHAMEDA INVESTMENT & FINANCE (INDIA)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 Members Voluntary Winding up of Mahamedha Investment and Finance (India) Limited (VOL. LIQN.)*(herein referred to as the "said company")*from the date of filing of the present petition.

2. A perusal of the petition shows that the said Company was incorporated on 24.02.1997, under the provisions of the Act with the Registrar of Companies (ROC),NCT of Delhi & Harayana, New Delhi.

3. The Registered office of the said company is situated within the territory of NCT of Delhi& Haryana at New Delhi i.e Ankur Enclave,D-93,Nanak Dairy Road, Karawal Nagar, Delhi-110094.

4. The record of the said Company filed with this petition shows that the authorized share capital of the said Company is Rs. 30,00,000/-(Rupees Thirty Lacs only) divided into 3,00,000 (Three lacs) Equity Shares of

Rs.10/- each. That the paid up capital as on date i.e. 31.03.2004 was Rs. 26,90,700/-(Rupees Twenty Six Lakhs Ninety Thousand Seven Hundred only) divided into 2,69,070(Two Lacks Sixty Nine Thousand Seventy) Equity shares of Rs. 10/- each.

5. Pursuant to the provisions of Section 484(1) of the Act, the said Company has passed a special resolution in its Extraordinary General Meeting held on 26.07.2004 for voluntary winding up of the said Company by the memebers, wherein, Mr. Dinesh Kumar Goel, Partner of M/s D. Goel Associates Chartered Accountants, was appointed as Company Liquidator at a remuneration fixed for Rs.5000/-(Rupees five thousand only). 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 filed with the ROC and the same was published in the newspaper 'The Hindi' (Delhi Edition, English) on 07.08.2004 and in the Official Gazette on 21.08.2004, along with Memorandum of Association and Articles of Association with the Office of OL.

6. Declaration of Solvency was executed and approved by the majority of Directors in their meeting held on 22.06.2004 and the same has been filed with the office of the ROC in Form 149 as prescribed under Section 488 of the Act.

7. The voluntary liquidator, as required under Section 497(1) of the Act, read with Rule 329 published the notification regarding the Final Extraordinary General Meeting held on 10.11.2004 in which the affairs of the said company were fully wound up on 10.11.2004 and all accounts/property was disposed of for the period from 26.07.2004 to

10.112004. The said notification was published in ‘The Hindu’(English)on 08.10.2004 and in official Gazette (English) on 23.10.2004 and filed the final accounts of the Company in Forms No. 156 and 155, as prescribed under the Companies (Court) Rules, 1959, before the ROC and to the OL.

8. The OL has received “No Objection Certificates” dated 18.08.2006 from the Income Tax Department and NOC was received on 10.02.2005 from the ROC.

9. The OL has scrutinized the records submitted by the Voluntary Liquidator and has recorded satisfaction that necessary compliances with regard to the provisions of the Act have been made and that the affairs of the said Company have not been conducted in a manner prejudicial to the interest of its members.

10. Thus having regard to the aforesaid facts and circumstances and the satisfaction recorded by the OL, the prayer made in the petition is allowed and the said Company is wound up and shall be deemed to be dissolved with effect from the date of the filing of the present petition i.e. 18.12.2017.

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

12. The petition is accordingly disposed of. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

MARCH 13, 2018/SS