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

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Date of Decision: 31.05.2018

+ CO.PET. 14/2018 and Co. Appl. 701/2018

IN THE MATTER OF LARKEN HOLDINGS PRIVATE
LIMITED(IN VOL.LIQN.)

..... Petitioner

Through Mr.Rishi Manchanda, Adv. for the
OL.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J. (ORAL)

CA No. 701/2018 (delay)

This application is filed seeking condonation of delay of 30 days in filing the accompanying petition. For the reasons stated in the application, the same is allowed and the delay of 30 days in filing the accompany petition is condoned. The application is disposed of.

CO.PET. 14/2018

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 LARKEN HOLDINGS PRIVATE LIMITED (*herein referred to as the "said company"*).

2. A perusal of the petition shows that the said Company was incorporated on 23.05.1983 having CIN U74899DL1983PTC105782 under the provisions of the Act with the Registrar of Companies (ROC), NCT Delhi & Haryana having its registered office in C-57, Friends Colony, New Delhi-110065. The authorised share capital of the said company is Rs.

5,00,000/- (Rupees Five Lakhs only) divided into 5,000 (Five Thousand) equity share of Rs. 100/- each.

3. It is further stated that the said Company has passed a special resolution in its Extraordinary General Meeting held on 04.01.2016 for voluntary winding up of the said Company, wherein, Mrs. Kavita Pamnani and Mrs. Monika Agarwal were appointed as Voluntary Liquidators of the said Company.

4. The ROC was informed regarding the voluntary winding up and the appointment of the Voluntary Liquidator. Notices under Rule 315 of the Company (Court) Rules 1959, were issued and requisite forms were filed with the ROC.

5. The Declaration of Solvency was executed and approved by the Board of Director in their meeting held on 02.01.2016, and the same has been filed with the office of the Registrar of Companies in Form 149 as prescribed under Section 488 of the Act read with Rule 313 of the Companies (Court) Rules, 1959.

6. The Voluntary Liquidators submitted filed the requisite forms which were filed with ROC, along with notices which were got published in the Official Gazette on 06.02.2016 as well as in the newspapers on 11.01.2016 in “Deccan Herlad” (English Edition) and “Veer Arjun” (Hindi Edition), along with the Memorandum of Association and Articles of Association with the Office of the OL.

7. Pursuant to Section 497 of the Act, final Extraordinary General Meeting was held on 03.01.2017 and the Voluntary Liquidator filed the final accounts of the Company in Forms No.156 and 157, as prescribed under Rules 329 and 331 of the Companies (Court) Rules, 1959, with the ROC and

to the Office of the OL.

8. The Office of the OL has received No Objection Certificates from the ROC and the Income Tax Department.

9. The Voluntary Liquidators have filed an Indemnity Bond with the Office of the OL to pay and settle all the lawful claims arising in future after the winding up of the company and to pay to any person for any losses that may arise in future, pursuant to the winding up of the company.

10. The Office of the OL has scrutinized the records submitted by the Voluntary Liquidators and has recorded satisfaction regarding 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 said Company have not been conducted in a manner prejudicial to the interest of its members or to the public at large.

11. The Office of 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. 14.05.2018.

12. 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. 14.05.2018.

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

14. The petition is disposed off accordingly.

JAYANT NATH, J.

MAY 31, 2018/SS