

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO.1296 OF 2015

Iron Triangle Limited Petitioner
V/s.

RPW Projects Pvt. Ltd. Respondent

Ms. Aparna Devkar i/b. M. P. Vashi and Associates for petitioner.
Ms. Manorama Mohanty i/b. S. K. Srivastav and Company for respondent.

CORAM : K.R.SHRIRAM, J.
DATED : 12th OCTOBER 2020

P.C. :

1 At the outset, Ms. Mohanty states that in the cause title of the order dated 11th September 2020, the name of respondent “*Eseel RPW Projects Pvt. Ltd.*” to be corrected to read as “*RPW Projects Pvt. Ltd.*”.

2 Rest of the order remains unaltered. Original order to be corrected accordingly.

3 Further to the order dated 11th September 2020, Ms. Devkar states that notice of admission of the petition has been given in the Maharashtra Government Gazette at Serial No.M-2019 for the period 17th September 2020 to 23rd September 2020. The same has also been filed with the affidavit of one Harishchandra Charkari affirmed on 25th September 2020 with respect to the publication. Notice under Rule 28 has already been waived as noted in the order dated 11th September 2020. In the order of 5th December 2019 the Court has recorded the default of respondent.

4 Ms. Mohanty for respondent states that she has nothing more to add than what has been recorded in the order of admission.

5 In view thereof, all formalities being completed, what is required is only the formal order of winding up respondent.

6 In the circumstances, petition is allowed in terms of prayer clauses - (a) and (b), which read as under :

“(a) that the respondent company viz., RPW Projects Pvt. Ltd. having its registered office at 135, Continental Building, Dr. Annie Besant Road, Worli, Opposite Doordarshan, Mumbai – 400 018, be ordered to be wound up;

(b) that pending the hearing and final disposal of the company petition, Official Liquidator, High Court, Bombay be appointed as a liquidator in respect of all the movable and immovable properties, Books of Accounts, Plant and Machineries, etc. belonging to the respondent company.

7 Petitioner's advocate, within two weeks, to forward an authenticated copy of this order to Official Liquidator, who shall take immediate steps without waiting for any notification.

8 Upon receipt of the authenticated copy from petitioner's advocate, Official Liquidator shall forthwith cause notice to all concerned directors calling upon them to file their respective statement of affairs strictly in consonance with the provision of law. All directors of respondent company, now in liquidation, are hereby directed to file their respective statements of affairs as required under Section 454 of the Companies Act, 1956, failing which, Official Liquidator shall proceed further and lodge

criminal complaint against the erring directors, without seeking prior sanction of this Court for initiation of criminal prosecution.

9 The company petition accordingly disposed.

(K.R. SHRIRAM, J.)

Gauri A.
Gaekwad

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