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

+ **Co. Pet. No. 11/2020**

IN THE MATTER OF

ASAN BUILDERS AND PROMOTERS PRIVATE LIMITED
(IN MEMBERS' VOL. LIQN.)

...Petitioner

Through: Ms. Sangeeta Chandra, Advocate
for the Official Liquidator

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

24.07.2020

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(Video-Conferencing)

1. This petition is filed under Section 497(6) of The Companies Act, 1956 (hereinafter referred to as "the Act") by the Official Liquidator (OL), seeking dissolution of the company 'ASAN BUILDERS AND PROMOTERS PRIVATE LIMITED' (in Members' Voluntary Liquidation) (hereinafter referred to as "the Company").

2. The said Company was incorporated on 24th June, 1991, having Corporate Identity Number U74899DL1991PTC044723 under the provisions of the Companies Act, 1956.

3. The registered office of the Company was situated within the territory of NCT of Delhi at R-831, New Rajinder Nagar, New Delhi - 110060.

4. The Company was having Authorized Share Capital of ₹10,00,000/- (Rupees Ten Lakhs Only) divided into 1,00,000 (One Lakh) equity shares of ₹10/- (Rupees Ten) each and the Paid-Up Share Capital is ₹1,02,000 (Rupees One Lakh Two Thousand Only) divided into 10,200 (Ten Thousand Two Hundred) equity shares of ₹10/- (Rupees Ten) each.

5. The first promoters as well as first directors at the time of incorporation were Mr. Arun Kapoor and Mr. Sangeeta Kapoor.

6. At the time of Members' Voluntary Winding up of the petitioner Company, there were two shareholders. The Directors at the time of Members Voluntary Winding up were Mr. Surinder Singh Marwah and Mr. Jasmeet Singh Marwah. The financial position of the Company as disclosed in the audited balance sheets ending as on 31st March, 2008 and 31st March, 2009 are also annexed to the petition.

7. The prescribed Form No. 149 for the Declaration of Solvency was filed with the Registrar of Companies on 19th January, 2010.

8. Pursuant to the provisions of Section 484(1) and other applicable provisions of the Act, the Extraordinary General Meeting (EGM) of the members of the said Company was held on 20th January, 2010, and a special resolution was passed whereby, Sh.

Jasmeet Singh Marwah was appointed as the Voluntary Liquidator of the Company.

9. As per the requirement of Section 485 of the Act, the citation were published in the newspapers namely “Veer Arjun” (Hindi) and “The Statesman” (English) as well as in the Official Gazette (English & Hindi) on 26th January, 2010 & 20th February, 2010 respectively.

10. The notice for appointment of Voluntary Liquidator in Form 152 as required under Section 493 r/w Rule 315 of the Companies (Court) Rules, 1959 was filed with Registrar of Companies. The Voluntary Liquidator has also given notice of his appointment in Form No. 151 as required under Section 516 of the Act read with Rule 315 of the Companies (Court) Rules, 1959 in the newspapers namely “Veer Arjun” (Hindi) and “The Statesman” (English) as well as in the Official Gazette (English & Hindi) on 26th January, 2010 & 20th February, 2010 respectively.

11. Further, pursuant to the provisions of Section 497 of the Act, the Liquidator has also published Form No. 155 in the daily newspapers namely ‘The Statesman’ (English) & ‘Veer Arjun’ (Hindi) on 19th May, 2010 and in the Official Gazette (English & Hindi) on 19th June, 2010 for convening the final meeting to be held on 22nd June, 2010.

12. The Final Meeting of the said Company was held on 22nd June, 2010 and the Voluntary Liquidator filed accounts of the said Company

in Form No. 156 & 157 as prescribed under Rule 329 & 331 of the Companies (Court) Rules, 1959 for the period from 20th January, 2010 to 10th May, 2010 with the Official Liquidator on 29th June, 2010 & before the Registrar of Companies, NCT of Delhi & Haryana, New Delhi on 15th January, 2011.

13. Both the Directors namely Mr. Surinder Singh Marwah S/o Sh. Inder Singh Marwah and Mr. Jasmeet Singh Marwah S/o Sh. Surinder Singh Marwah have jointly filed an Indemnity Bond & their respective Affidavits dated 27th December, 2010 undertaking to indemnify the concerned parties/ departments/ authorities/ of local/ State Governments and Government of India if any dues/ shortage/ tax liabilities arise in future in relation with the Company.

14. The Official Liquidator has received No Objection Certificate from the Registrar of Companies.

15. The Office of the Income Tax Officer on 21st January, 2020 had raised a net outstanding tax demand of ₹392/- only for A.Y. 2004-05 and the Voluntary Liquidator had deposited the above said demand *vide* DIN 2009200451010503284C and had also paid the outstanding demand for ₹330/- only raised on 19th January, 2020 and therefore, there are no remaining dues of the Income Tax department.

16. The Official Liquidator is also satisfied that the necessary compliance of Section 497 and other relevant provisions of the Act have been made and the affairs of the said Company have not been conducted in a manner prejudicial to the interest of its members or to the public interest and the said Company may be dissolved.

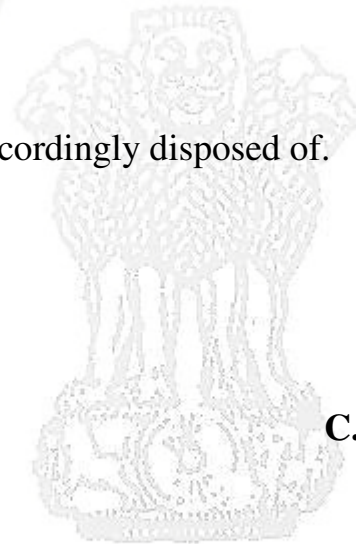
17. On a perusal of the above mentioned facts, the documents annexed with the petition and the satisfaction accorded by the Official Liquidator by way of the present petition, the Company named ASAN BUILDERS AND PROMOTERS PRIVATE LIMITED (in Members' Voluntary Liquidation) is hereby wound up and shall be deemed to be dissolved with effect from the date of the filing of the present petition.

18. A copy of this order be filed by the Official Liquidator with the Registrar of Companies within the statutory period, as provided for in the Act.

19. The petition is accordingly disposed of.

JULY 24, 2020

C. HARI SHANKAR, J



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