$~8 (company)

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

\+ **CO.PET. 15/2021**

IN THE MATTER OF:

CALTEX OIL INDIA PRIVATE LIMITED (IN VOL. LIQN.)

……Petitioner

Through: Mr. Kunal Sharma, Standing Counsel for the Official Liquidator

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

O R D E R (O R A L)

% **05.04.2021**

1. This is a company petition, preferred under Section 509(6) of the Companies Act, 1956. The prayer made in the petition is that the subject company, i.e. Caltex Oil India Private Limited, be dissolved from the date of the filing of the instant petition, i.e. 26th March, 2021.

2. The record shows that the subject Company was incorporated on 26th February, 1996, with the Registrar of Companies, NCT of Delhi and Haryana. The Corporate Identity Number of the Company is U23201DL1996PTC076592. The registered office of the subject Company is stated to be situated within the territory of the NCT of Delhi, at F-47, South Extension, New Delhi, 110049.

3. The authorised share capital of the company is ₹8,10,00,000/- divided into Equity shares of ₹10/- (Rupees Ten) each. The record shows that M/s Caltex Oil Corporation holds 62,90,000 shares and one Rajendra Adarkar and one S. Ramasubramanian hold 50 shares each.

4. The directors of the Company in issue, as on the date of passing the resolution of voluntary winding up, were R.C. Schwarz, Rajendra Adarkar and Venkataramani.

5. The Company, in terms of Section 500(2), published a notice of meeting of the creditors of the company to be held on 5th November, 2004, at 'GOLD CREST' 54 & 55, North Usman Road, T. Nagar, Chennai-600017, in the newspaper, 'The Statesman' on 12th October, 2004 and in the Official Gazette on 6th November, 2004.

6. The extra-ordinary general meeting of the creditors of the Company was held on 5th November, 2004, where a special resolution for the voluntary winding up of the Company was passed and one Mr. Sanjeev K. Sharma was appointed as the voluntary liquidator of the Company.

7. The notice of appointment of Voluntary Liquidator in Form 152 as required under Section 501 (1) read with Rule 315 of the Companies (Court) Rules, 1959 was filed with ROC, NCT of Delhi on 2nd December, 2004.

8. The Voluntary Liquidator, pursuant to Section 509 (2) of the Companies Act, 1956, read with Rule 329 of Companies (Court) Rules, 1959, published the advertisement in Form 155 of the Companies (Court) Rules, 1959, for the holding of the final meeting of the Company and Creditors on 18th December, 2006, in the newspaper 'Jansatta' (Hindi) on 19th November, 2006 and in the Official Gazette on 25th November, 2006

9. The Voluntary Liquidator, on 20th December, 2006, filed Form No. 156 and 158, in terms of Section 509(3) of the Companies Act, 1956 and Rule 329 and 331 of the Companies (Court) Rules, 1959 with the Official Liquidator.

10. The final general meeting of the company and its creditors was held on 18th December, 2006 and the Voluntary Liquidator placed the liquidators' accounts, in Form 156 as prescribed under Rule 329 of the Companies (Court) Rules, 1959 for the period from 5th November, 2004 to 18.12.2006, showing how the winding up was conducted. The Voluntary Liquidator has also filed Form 156 and Form 158 with the Registrar of Companies on 20th December, 2006.

11. The Voluntary Liquidator has filed an affidavit, dated 26th August, 2011, with the Official Liquidator, stating that there is no outstanding liability in the name of the company. The Voluntary Liquidator has further submitted a No Dues certificate dated 29th July, 2005 from the Income Tax Department. That the Voluntary Liquidator has submitted a letter and statement of bank account of the Company, dated 29th August, 2011, stating that the Company did not have any money in the account.

12. The Registrar of Companies has provided to the Official Liquidator, a letter, dated 8th January, 2008, stating that the necessary documents and forms have been filed by the Company and that it has no objection to the dissolution of the subject Company.

13. The Official Liquidator has further submitted that the affairs of the Company have been conducted in a manner, not prejudicial to the interest of the members, and is thus of the opinion that the Company may be dissolved with effect from the date of the filing of the petition.

14. Thus, having regard to the aforesaid facts and circumstances and the record of the case, the prayer made in the petition is allowed and the 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. 26th March, 2021.

15. Copy of the order be filed by the Official Liquidator with the Registrar of Companies within the statutory period as per the Companies Act, 1956.

16. The petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

APRIL 5, 2021/kr