

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

INTERIM APPLICATION NO.3089 OF 2021

IN

COMPANY PETITION NO.317 OF 2016

Alok Mukherjee .. Applicant

In the matter between

Kuehne Nagel Pvt. Ltd. .. Petitioner

v/s.

Inlays India Pvt. Ltd. (In Liquidation)

through OLR .. Respondent

Mr. Cherag Balsara a/w Ms. Prachi Ravail i/b. Satyan Israni for the petitioner.

Mr. Mahendhra Aithe, Company Prosecutor.

CORAM : A. K. MENON, J.

DATED : 12TH JANUARY, 2022.

(THROUGH VIDEO CONFERENCE)

P.C. .

1. Heard the learned counsel for the parties. By this IA, the applicant who is a shareholder and promoter of the company in liquidation seeks setting aside of the order of winding up dated 4th May, 2018, discharge the Official Liquidator and for a direction to the Registrar of Companies to change the status of the company on

the website of Ministry of Corporate Affairs from ‘under liquidation’ to ‘active’.

2. Mr. Balsara, the learned counsel appearing in support, states that all amounts due to creditors have already been paid over and pursuant to an order dated 8th December, 2021 a notice required to invite objections has already been published in terms of paragraph 4.

3. Mr. Aithe, the Prosecutor had called upon the applicant to deposit with the liquidator a sum of Rs.4,90,217.40 due to some creditors and a sum of Rs.50,000/- towards costs of the liquidator as also an amount of Rs.12,523/- towards advertisement expenses as payable to the advertising agency. Mr. Balsara states that all of these amounts have been paid and company is free of debt. Mr. Aithe confirms that these amounts have been duly received. It is also stated that no other Company Petition has been presented or is pending in respect of the company in liquidation. Accordingly, he submits the IA may be allowed.

4. In view thereof, I pass the following order;

(i) Order dated 4th May, 2018 passed in the above

Company Petition directing the company to be wound up is set aside.

- (ii) The Registrar of Companies is directed that upon compliance of all requisite requirements to change the status of the company 'under liquidation' to 'active' within a period of one week from compliance with all requirements of the Registrar of Companies.
- (iii) Official Liquidator is permitted to remit the amount payable to M/s. Sunjeet Communications Pvt.Ltd. due under invoice no.SUN/1530/21-22.
- (iv) IA is disposed in the above terms.
- (v) No costs.

(A. K. MENON, J.)