

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2

1. CP-113-2010 (O&M)
Date of decision: 16.08.2022

M/S AXIS DIAGNOSTICS & BIOTECH LTD. (IN LIQUIDATION)

..Petitioner

Versus

KALPANA ANAND AND ORS.

..Respondents

2. CP-114-2010 (O&M)

M/S AXIS DIAGNOSTICS & BIOTECH LTD. (IN LIQUIDATION)

..Petitioner

Versus

KALPANA ANAND AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hitesh Malik, Advocate
with Mr. Prashant Baliyan, Official Liquidator.

Mr. Daman Dhir, Advocate
for respondent No.1 and 3.

Mr. Anand Chhibber, Sr. Advocate
with Ms. Ateevraj Sandhu, Advocate
for respondent No.1(in CA-726-2009).

Mr. J.S. Pannu, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

CA-725-2009 in CP-29-2008

Allowed as prayed for.

CA-726-2009 in CP-29-2008

The Official Liquidator has submitted that he could not find any wrong in the sale deed executed by the Company on 10.04.2007, as per the available record.

In view thereof, he does not press this application.

Hence, dismissed as not pressed.

CP-113-2010 & CP-114-2010

Separate proceedings under Section 454(5) and 456 of the

Companies Act, 1956, are pending for the last 12 years. The Official Liquidator complains that the former directors of the Company have failed to file a statement of affairs and to hand over the properties, books of accounts of the Company in liquidation, respectively.

On issuance of notice, Ms. Kalpana Anand and Mr. Ravi Anand have entered appearance. They have given their statement before the Official Liquidator. The whereabouts of Sh. Vivek Chitray are not known and he has not appeared despite publication. His last known address was of Gurugram, hence, the Commissioner of Police, Gurugram was requested to trace Mr. Vivek Chitre. The Official Liquidator has informed the Court that as per the report of the Commissioner of Police, the whereabouts of Mr. Vivek Chitray are not known.

These matters are pending for the last 12 years. On account of pendency of these proceedings, dissolution of the Company is getting delayed. The Official Liquidator has submitted that he does not find the conduct of Ms. Kalpana and Mr. Ravi Anand to be suspicious.

In view of the passage of 12 years, no useful purpose would be served in keeping the matters pending.

Hence, the proceedings under Section 454(5) and 456 of the Companies Act, 1956, are dropped.

Both the Company Petitions stand disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

August 16th, 2022

**(ANIL KSHETARPAL)
JUDGE**

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*