Esha

IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO. 25 OF 2017
IN
COMPANY PETITION NO. 3 OF 1988

MAHINDRA AND MAHINDRA LTD. ... PETITIONER
VS
WEST COAST FOUNDARIES PVT. LTD. ... RESPONDENT

******

Ms. Amira Razaq, Standing Counsel for the Official Liquidator with Mr. S.D. Bhosle, Senior Technical Assistant, Registrar of Companies cum Official Liquidator, Goa.

CORAM: B.P. COLABAWALLA, J.

DATED: 7th FEBRUARY 2023

P.C.

1. The above Company Application is filed by the Official Liquidator under Section 481 of the Companies Act, 1956 read with Rule 281 of the Companies (Court) Rules, 1959, seeking dissolution of the Company. This Application is filed because according to the Official Liquidator everything which is to be done in relation to the winding up of the Company has been completed. The action taken by the Official Liquidator has been set out in detail in the Application. The Application is also accompanied by a Judge's Summons seeking dissolution of the Company.

2. Having heard the learned Standing Counsel appearing on behalf of the Official Liquidator and after perusing the Company Application, I am satisfied that an order of dissolution of the Company should be passed. Accordingly, the Judge's Summons accompanying the Company Application is allowed in terms of paragraphs 1, 2, 3, 4 and 5, which read thus:

> *1. That M/s West Coast Foundaries Private Limited (in Liquidation) be dissolved as per the provisions of Section 481 of the Companies Act 1956 read with Rule 281 of the Companies (Court) Rules, 1959 with effect from the date of the order passed by this Hon'ble Court subject to the audit and passing of the final accounts in respect of the company for the period from 01/04/2009 to 31/03/2017 which have been filed separately.*
>
> *2. That the Official liquidator may be permitted to pay the filing fees to the Registrar of Companies, Goa, on the Statement of Accounts of the Company to be filed before them with the copy of the dissolution order. The Official liquidator may also be permitted to pay audit fees due on the half yearly accounts upto the period ending on 30/09/2017 and Annual Statement of accounts upto the period ending 31/03/2017 which is to be audited by the Auditors M/s S. P. Bhandare & Associates, Chartered Accountants, Office 3/UG-4, Models Residency, St. Inez, Panaji Goa-403001*

and to incur necessary incidental expenses in connection with filing of the application and such other expenses if any, that are incurred/to be incurred in future in this case.

3. That as per the provisions of Section 552 and 555(2) of the Companies Act, 1956 the Official Liquidator may be permitted to remit the balance amount that would be available to the credit of the company after meeting the expenses shown at item No. 2 above into the public account of India in the Reserve Bank of India in a separate account to be known as Companies Liquidation Account as undistributed assets.

4. That the Official liquidator may be permitted to dispense with the filing of future accounts, report and audit thereof.

5. That the books and papers of the company and the Official Liquidator may be preserved according to law by the Official Liquidator.

3. A copy of this order shall be forwarded by the Official Liquidator to the Registrar within a period of 30 days from today, who shall make in his Books a Minute of the dissolution of the Company.

4. The Company Application and the Judge's Summons are accordingly disposed of.

5. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B.P. COLABAWALLA, J.

VAIGANKAR ESHA SAINATH Digitally signed by VAIGANKAR ESHA SAINATH
Date: 2023.02.08 18:46:44 +05'30'