

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
COMPANY APPLICATION NO. 05 OF 2022
IN
COMPANY PETITION NO. 01 OF 2013

Goan Wonderland Real Estate Pvt. Ltd. (In ... Applicant
Liquidation) Thr. Official Liquidator

Versus

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...Respondent

Ms. Amira Razaq, Advocate *for the Official Liquidator.*

Mr. S. D. Bhosle, Senior Technical Assistant, Registrar of
Companies, Goa, 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 seeking the following reliefs :

“a) In view of the averments made in para 6 above,
whether this Hon'ble Court would be pleased to
dispense with the filing of Misfeasance Proceedings
by the Official Liquidator as required under section
543(2) of the Companies Act, 1956;

b) In view of the averments made in para 8 above,
whether this Hon'ble Court would be pleased to
dispense with the filing of the half yearly accounts
under Rule 299 of the Companies (Court) Rules
1959, read with Section 462 of the Companies Act,
1956;

c) In view of the averments made in para 9 above, whether this Hon'ble Court would be pleased to dispense with the filing of the Annual Statement of Accounts under Rule 311 of the Companies (Court) Rules, 1959 read with Section 551 of the Companies Act, 1956;

d) In view of the averments made in para 10 above, whether this Hon'ble Court would be please to order dissolution of M/s. Goan Wonderland Real Estates Private Limited (in liquidation) under Section 481 of the Companies Act, 1956;

e) If the direction to prayer clause (d) above is an affirmative and, in view of the averments made in para 11 above, whether this Hon'ble Court would be pleased to permit the Official Liquidator to preserve the papers / files of the Liquidator pertaining to M/s. Goan Wonderland Real Estates Private Limited (in liquidation) as required under Section 550 of the Companies Act, 1956;

f) If the above prayers (a) to (e) are in affirmative and in view of the averments made in para 12 above, whether this Hon'ble Court would be please to permit the official Liquidator or any interested person to make an application within 2 years under Section 559 of the Companies Act, 1956 to declare the dissolution void;”

2. To put it in a nutshell, the Official Liquidator seeks dissolution of the Company in liquidation under Section 481 of the Companies

Act, 1956, *inter alia* on the ground that no funds are available with the Company and neither any records are available. The records and books of Accounts have not been handed over by the Ex-Director of the Company because he had expressed his inability to access records of the Company and he was not in a position to provide any details to the Official Liquidator. This statement of the Ex-Director was noted in a complaint filed before this Court by the Official Liquidator and the said complaint was disposed of by Order dated 13.12.2019 under which the Ex-Director was granted immunity from prosecution. In the application it is clearly stated that the Company in liquidation does not have any disposable assets for sale and there is no likelihood of getting any funds to the credit of the Company in liquidation. Further, despite publishing notice inviting claims, no claims have been received by the Official Liquidator.

3. After perusing the Company Application in detail, and after hearing the learned Advocate appearing on behalf of the Official Liquidator, I do not find any impediment in granting the reliefs sought for in the Company Application.

4. In these circumstances, the above Company Application is allowed in terms of the prayer clauses (a) to (f) reproduced herein above.

5. A copy of this Order shall be forwarded by the Official Liquidator to the Registrar within a period of thirty days from today who shall make in his books a minute of the dissolution of the company.

6. The Company Application is accordingly disposed of. No order as to costs.

7. 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

ANDREZA PEREIRA  Digitally signed by ANDREZA PEREIRA
Date: 2023.02.08 15:32:52 +05'30'