

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO.69 OF 2023

GOAN RIVIERA RESORTS PRIVATEAPPLICANT
LIMITED THR OFFICIAL LIQUIDATOR,
HIGH COURT OF BOMBAY AT GOA

VS

NO PARTY

.....RESPONDENT

Ms. Amira Razaq, Advocate for the Official Liquidator.

CORAM: AVINASH G. GHAROTE

DATED: 7th March, 2024

P.C.:

1. Heard Ms. Amira Razaq, learned Advocate for the Official Liquidator.
2. The application seeks 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 from 31.03.2022 onward 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 from 31.03.2022 onwards 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 Riviera Resorts 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 Riviera Resorts 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 with in 2 years under Section 559 of the Companies Act, 1956 to declare the dissolution void;

g) In view of the averments in para 15 above, since there is no claim received by O.L. whether this Hon'ble Court would be pleased to permit the Official Liquidator to realize the Fixed Deposit Receipt of Rs.1,00,007/- and transfer the said amount to "The Company Liquidation Accounts" known as Public Account of Government of India in term of Section 555 of Companies Act, 1956 read with Rule 283 of Companies (Court) Rules, 1959 maintained by the Office of Pay and Accounts, Ministry of Corporate Affairs, Mumbai.

h) For such other and further directions as this Hon'ble Court may deem fit and proper in the premises of the case.

3. It is contended that since 2012 when the Official Liquidator was appointed, the Official Liquidator has not received any records of the company as one of the Directors has already passed away and the other director namely Mr. Gautam Ramanbhai Patel on affidavit made a statement that the record was not traceable. That apart on a notice published at Mumbai in the 'Free Press Journal' and 'Goan Varta' in Marathi on 13/05/2022 till the cut off date of 31/05/2022,

no claims from any one were received by the Official Liquidator. It is also contended that an amount of Rs.1,00,007/- is only lying to the credit of the company.

4. Considering the fact that since 2012 till date no claims have been raised against the company in the knowledge of the Official Liquidator, I am satisfied that the company is not possessed of any funds or assets, as the office premises of the company also does not belong to it and there are no funds to the credit of the company except for the aforesaid sum, no purpose would be served to continue with the winding up of the company in liquidation in the light of which the prayers sought in the application as reproduced above need to be granted. The application is accordingly allowed. A copy of this order be forwarded by the Official Liquidator to the Registrar within a period of 30 days from today who shall make appropriate entries regarding the dissolution of the company.

AVINASH G. GHAROTE, J