



2-11-2016

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

COMPANY PETITION NO. 11 OF 2016

(Atlas Risk Consultancy Services Vs. M/s Anacon Laboratories Pvt. Limited)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms U.R. Tanna, Counsel for the petitioner.
Dr. Anjan De, Counsel for the respondent.

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CORAM : ANIL L. PANSARE, J.
MARCH 15, 2024.

On 16/2/2024, the following order was
passed :

“Petitioner, a partnership firm involved in consultancy services, has lodged the winding up petition against the respondent – company under Section 439 of the Companies Act, 1956.

The petition has been filed on the ground that the petitioner has extended hand-loan of Rs. 1,65,000/- to the respondent company, of which, the respondent company has paid Rs. 85,000/- and the balance amount of Rs. 80,000/-, though admitted to be due, has been not paid by the respondent company and, therefore, the present petition.

The reply filed by the respondent company indicates that the company has disputed the amount claimed by the petitioner. According to the respondent, the company is well going. There are 125 employees. SIDBI Bank has extended loan of Rs. 3 Crores after verifying the standing of the company and its financial position as reflected in the books and balance sheet. The company is registered with various government departments for providing technical services in the field of environment. The company has received MSME National Award, 2010 for outstanding entrepreneurship performance from the Government of India on 2-9-2011. The respondent company states that

not only amount claimed by the petitioner is payable to it but the claim is barred by limitation as well.

Thus it appears that the company has substantial assets to its credit and it is ongoing company. There is dispute between the petitioner and respondent company as regards payment of Rs. 80,000/-. The petitioner has thus, other remedy available and, therefore, the petitioner is called upon to state as to why the Court should not refuse to make an order of winding up in terms of sub-section (2) of Section 443 of the Companies Act, 1956.

Stand over to 23-2-2024.”

2] The learned Counsel for the petitioner states that the petitioner has received the amount due to it and, thus, the dispute is resolved.

3] In view of above and also for the reasons set out in the order dated 16/2/2024, Company Petition No. 11/2016 stands dismissed.

(ANIL L. PANSARE, J.)

Sumit