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Comp.A.No.64 of 2024

Comp.A.No.64 of 2024
in
C.P.No.46 of 2013

C.SARAVANAN, J.

There has been no resistance from the respondent in C.P.No.46 of 2013 which was filed in the year 2013.

2. It is noticed that the petition to wind up the Company has been neither admitted nor any advertisement for winding up of the Company has been effected nor any order to wind up the Company has been passed by this Court so far.

3. However, on 11.01.2018, the following order was passed by this Court in C.P.No.46 of 2013:

"When the matter is taken up for hearing, it is submitted by the learned Official Liquidator as well as the learned counsel appearing for the petitioner that initial expenses have been paid. What is required to be done by the learned Official Liquidator is to take possession and thereafter proceed to effect the sale of the properties of the company in liquidation and thereafter he is at liberty to proceed with the sale. Hence, the company petition is closed and liberty is given to the learned Official Liquidator to file appropriate application for the aforesaid purpose."

It is, in this background, this application has been filed to dissolve the



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Company under liquidation viz., M/s.Amma Masala Private Limited.

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4. The report of the Official Liquidator indicates that the aforesaid Company was incorporated in the year 2007 with a share capital of Rs.1,50,000/- and was operating from the rental premises between 2010 and 2012 and has vacated the said premises.

5. No annual returns were filed by the Directors before the Ministry of Corporate Affairs (MCA) as is required under the provisions of the Companies Act, 1956 and the Companies Act, 2013.

6. The learned Deputy Official Liquidator has drawn attention to the meeting held on 30.07.2019 in presence of the secured creditor namely M/s.UCO Bank. It has been confirmed that there were no dues pending as on date of the Company under liquidation.

7. Relevant portion of the minutes of proceedings, marked as Annexure-D in the Official Liquidator's Report, reads as follows:-

"The representative of UCO Bank Sri.R.Mithunshankar informed that company in liquidation has no dues pending as on



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date."

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8. No useful purpose will be served by keeping the respondent Company in C.P.No.46 of 2013 alive on the rolls of the resistance of the Company maintained by the Registrar of Companies (ROCs). That apart, the order passed by this Court on 11.01.2018 is a *fait accompli*.

9. Therefore, this Company Application is allowed.

23.02.2024

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