

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

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COMPANY PETITION NO. 952 OF 2009.

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| Vinamra Universal Traders Private Limited. | ..Petitioner. |
| v/s. | |
| M/s. Trans Harbour Link Private Limited. | ..Respondent. |

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Mr. Pramod N. Patil, for Petitioners.
None for Respondent.

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CORAM : S.J. KATHAWALLA, J.
DATE : 29TH OCTOBER 2010.

P.C.

By this Company Petition, the Petitioner has sought winding up of the Respondent Company M/s. Trans Harbour Link Private Limited (the Company).

2. By an order dated 22nd February 2010, this Court has passed an order by consent of the parties, wherein the Company agreed to pay an amount of Rs.7 Crores to the Petitioner on or before 10th May 2010 in full and final settlement of the Petitioners claim against the Company. It is further recorded in the said order by consent of the parties that if the Company fails to pay the agreed amount of Rs.7 Crores to the Petitioner on or before 10th May 2010, the Company Petition shall revive and stand admitted and advertised.

3. The Company has failed to make payment of the said amount of Rs.7 Crores to the Petitioner on or before 10th May 2010.

The Company Petition therefore, stood admitted and was advertised as deposed in the Affidavit proving Publication dated 28th October 2010. Notice under Rule 28 of the Companies Court Rules, 1959 is served on the Company and the Affidavit of Service dated 27th October 2010 filed by the Clerk, Company Department along with acknowledgment receipt from the Company is on record.

4. The Company had admitted its liability to the tune of Rs. 7 Crores and had accordingly, consented to the order dated 22nd February 2010 being passed. The Company has failed to make the said payment to the Petitioner as agreed. In view thereof, it is established beyond doubt that the Company is unable to pay its debts. The Company Petition is therefore made absolute in terms of prayer clauses (a) and (b), which reads thus :

“(a) Order and direct that the said Company viz. Trans Harbour Link Private Limited having its registered office at Flat No.101, Sagar Darshan, 1st floor, Ramnath Road, Alibag, Raigad District-402 201 be wound up;

(b) Order and direct that the Official Liquidator be appointed as liquidator of the said Company to take charge of all the assets, book of accounts and properties of the said Company, viz. Trans Harbour Link Private Limited having its registered office at Flat No.101, Sagar Darshan, 1st floor, Ramnath Road, Alibag, Raigad District-402201 with all the powers prescribed under the Companies Act, 1956.”

5. The Company Petition is accordingly, disposed of.

[S.J. KATHAWALLA, J.]