

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 146 OF 2014

Nikoo Trade Link Private Limited ... Petitioner

Versus

M/s. Shree Shakti Mercantile Company Private Ltd. ... Respondent

None for the Petitioner.

Mr. S. Upadhyay i/b. A.M. Saraogi for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATE : 28TH AUGUST, 2014

P.C. :

1. By the above Company Petition, the Petitioner seeks winding up of M/s. Shree Shakti Mercantile Company Private Limited (the Company).

The above Company Petition is taken up for hearing and final disposal.

2. The claim made by the Petitioner is that they supplied stationery articles to the Company and the Petitioner raised invoice No. 1428 dated 19th December, 2012. However, the Company had not raised any objections as regards quality, quantity, rates or time lines of delivery of the supplies made by the Petitioner and amount of Rs. 1,06,800/- remained unpaid. A statutory notice was therefore issued on 22nd January, 2013. The Company replied to the statutory notice on 30th January, 2013 and accepted its liability but expressing its inability to make payment.

3. The Petitioner thereupon filed the above Company Petition seeking winding up of the Company. By and order of this Court (Coram : G.S. Patel, J.) dated 7th May, 2014, the above Company Petition was admitted and directed to be advertised. The Official Liquidator was also appointed as Provisional Liquidator of the Company.

4. Pursuant to the order dated 7th May, 2014, the admission of the above Company Petition has been advertised. The Affidavits proving publications, dated 4th July, 2014 and 14th July, 2014 are taken on record.

5. The learned Advocate appearing for the Company has informed the Court that the Company is unable to pay its debts and, therefore have no objection if the Company is wound up. In view thereof, the above Company Petition is allowed in terms of prayer clause (a), which is reproduced hereunder :

“(a) That the Company of M/s. Shree Shakti Mercantile Company Private Limited be wound up by an order and direction of this Hon'ble Court under the Companies Act, 1956.

6. The Official Liquidator, High Court, Bombay is appointed Liquidator of the Respondent Company. The Official Liquidator shall

forthwith take charge of the assets / properties and records of the Respondent Company.

7. The Official Liquidator to forthwith act on an ordinary copy of this order, duly authenticated by the learned Associate of this Court without waiting for any further notification

8. The above Company Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)