(2017) 11 DEL CK 0179

In the Delhi High Court

Case No : Company Petition No. 63 Of 2017

Anand Metfast Pvt. Ltd. (In Vol. Liqn) Vs

Date of Decision : 27-11-2017

Acts Referred:
Companies (Court) Rules, 1959 — Rule 315, 329, 331
Companies Act, 1956 — Section 484(1), 485, 488, 497, 497(6), 516

Citation : (2017) 11 DEL CK 0179

Hon'ble Judges : Jayant Nath, J

Bench : Single Bench

Advocate : Deepak Anand

Final Decision : Disposed Of

Judgement

Jayant Nath, J

1. This is a petition filed under Section 497(6) of the Companies Act, 1956 (herein referred to as â??the Actâ?) by the Official Liquidator (OL),

seeking for voluntary winding up of Anand Metfast Private Limited (herein referred to as the â??said companyâ??).

2. The said Company was incorporated on 27.04.2001 under the provisions of the Act with the Registrar of Companies (ROC), having authorized

share capital of Rs. 10,00,000/- divided into 1,00,000 equity shares of Rs. 10/- each.

3. The registered office of the said company is situated within the territory of NCT of Delhi at 20B/5, Ground Floor, Desh Bandhu Gupta Road, Dev

Nagar, Karol Bagh, New Delhi-110005.

4. Pursuant to the provision of Section 484(1) of the Act and other applicable provisions of the Act, the Extra Ordinary General Meeting of the

members of the said company was held on 05.09.2016 and a special resolution was passed for voluntary winding up of the Company, wherein, Mr.Sumit Lal, Chartered Accountant, was appointed as Voluntary Liquidator of the said Company at a remuneration of Rs. 20,000/-. However, notice

for Voluntary Liquidator appointment under Section 516 of the Act read with Rule 315 of the Companies (Court) Rules, 1959, was not published

within 30 days from his appointment.

5. Declaration of Solvency was approved by the Board of Director in their meeting held on 10.08.2016 and the same was filed as per Form No. 149,

prescribed under section 488 of the Act, with the ROC vide SRN No. G09837949 dated 24.08.2016.

6. That as per the requirement of Section 485 of the Act, the said company has published a notification in the Official Gazette on 08.10.2016 as well

as in two newspapers namely in â??Business Standardâ?(English and Hindi) on 14.09.2016 along with Memorandum of Association and Articles of

Association with the Office of OL.

7. Pursuant to Section 497 of the Act, final Extra Ordinary General Meeting was held on 30.01.2017 and the Voluntary Liquidator filed the final

accounts of the said Company in Forms No.156 and157, as prescribed under Rules 329 and 331 of the Companies (Court) Rules, 1959, before the

ROC and to the OL.

8. The OL has received No Objection Certificates (NOC) from the ROC. Further, NOC was not received from Income Tax Department, due to the

demand letter of Rs. 120 and Rs. 1130 for the assessment year 2008-09 and 2011-12. However, payment was made by the Voluntary Liquidator vide

challan no. 20255 and 20246 for the dues pending against the said company with the Income Tax Department. The Voluntary Liquidator has also filed

indemnity bond dated 01.03.2017 and has undertaken that the assets of the said company have been properly disposed off and there is no debt

outstanding which may arise or accrue within a year, if any claims or dues arises the Director named in the application shall stand liable to pay the

same.

9. The OL has scrutinized the records submitted by the Voluntary Liquidator and has recorded satisfaction that necessary compliances of Section 497

of the Act and the other relevant provisions of the Act have been made and that the affairs of the said Company have not been conducted in a

manner prejudicial to the interest of its members or to the public interest.

10. The OL, in these circumstances, has sought winding up and final dissolution of the said Company from the date of filing of the petition i.e.

06.11.2017.

11. In view of the forgoing and in view of the satisfaction recorded by the OL, the said Company is wound up and shall be deemed to be dissolved

with effect from the date of the filing of the present petition i.e.06.11.2017

12. A copy of the order be filed by the OL with the ROC within the statutory period as per the provision of the Act.

13. The petition is accordingly disposed of.

