

(2019) 12 DEL CK 0425

In the Delhi High Court

Case No : Company Petition No. 29 Of 2019

Conyk Cartrac Private Limited (In Members" Vol. Liqn.) Vs

Date of Decision : 23-12-2019

Acts Referred:

Companies (Court) Rules, 1959 — Rule 315, 329, 331

Companies Act, 1956 — Section 484(1), 485, 493, 497, 497(6), 516

Citation : (2019) 12 DEL CK 0425

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : Sangeeta Chandra

Final Decision : Disposed Of

Judgement

Jyoti Singh, J

1. The present petition has been filed under Section 497(6) of The Companies Act, 1956 (herein referred to as "the Act") on behalf of the Official Liquidator seeking dissolution of the Company CONYK CARTRAC PRIVATE LIMITED (in Members" Voluntary Liquidation).

2. The said Company was incorporated under the provisions of the Companies Act, 1956 bearing the name "Conyk Cartrac Private Limited" with the Registrar of Companies (ROC), NCT of Delhi on 02.09.2009 with an authorized capital of Rs. 3,55,00,000/- (Rupees Three Crore Fifty Five Lacs only) divided into 35,50,000 (Thirty-Five Lac Fifty Thousand) equity shares of Rs. 10/- (Rupees Ten) each.

3. The registered office of the Company (in Vol. Liqn.) was situated within the territory of NCT of Delhi at Concor Bhawan, C-3, Mathura Road, New Delhi - 110044.

4. The first promoters at the time of incorporation were NYK Line (India) Ltd., Mr. Hiroshi Maniwa and Container Corporation of India Ltd.

5. At the time of Members Voluntary Winding up of the petitioner Company, there were two shareholders. The Directors at the time of Members Voluntary Winding

up were Mr. Anil Kumar Gupta, Mr. Yash Vardhan, Mr. Okinobu Hatsugai, Mr. Yusuke Sasada and Mr. Tadashi Abe. The financial position of the Company as disclosed in the audited balance sheets ending as on 31.03.2012 and 31.03.2011 are annexed to the petition.

6. The prescribed Form No. 149 for the Declaration of Solvency was filed with the Registrar of Companies on 09.08.2012.

7. Pursuant to the provisions of Section 484(1) and other applicable provisions of the "Act", the Extra-ordinary General Meeting (EGM) of the members of the said Company was held on 14.08.2012 and the special resolution was passed whereby, Mr. Sanjay Khandelwal, Practicing Company Secretary was appointed as the Voluntary Liquidator of the Company.

8. As per the requirement of Section 485 of the "Act", the Company has published the notice in the newspapers namely "Business Standard" (English & Hindi) on 18.08.2012 as well as in the Official Gazette (English) on 08.09.2012 respectively.

9. The Voluntary Liquidator has also given notice of his appointment in Form No. 151 as required under Section 516 of the Companies Act, 1956 read with Rule 315 of the Companies (Court) Rules, 1959 in the Official Gazette on 08.09.2012.

10. The notice for appointment of Voluntary Liquidator in Form 152 as required under Section 493 read with Rule 315 of the Companies (Court) Rules, 1959 was filed with Registrar of Companies.

11. Further, pursuant to the provisions of Section 497 of the "Act", the Liquidator has also published Form No. 155 in the daily newspapers namely "Business Standard" (English & Hindi) on 17.07.2013 and in Official Gazette on 17.08.2013 for convening the final meeting to be held on 19.08.2013.

12. The Final Meeting of the said Company was held on 19.08.2013 and the Voluntary Liquidator has filed final Statement of Accounts of the said Company in Form No. 156 & 157 as prescribed under Rule 329 & 331 of the Companies (Court) Rules, 1959 for the period from 14.08.2012 to 16.07.2013 before the Registrar of Companies, NCT of Delhi & Haryana, New Delhi on 21.08.2013.

13. The Official Liquidator has received No Objection certificate from the Income Tax Department and from the Registrar of Companies.

14. The Official Liquidator has indicated satisfaction that the necessary compliance of Section 497 and other relevant provisions of the Act have been made and 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 and the said Company may be dissolved.

15. On a perusal of the above mentioned facts, the documents annexed with the petition and the satisfaction accorded by the Official Liquidator by way of the present petition, the Company with the name CONYK CARTRAC PRIVATE LIMITED

is hereby wound up and shall be deemed to be dissolved with effect from the date of the filing of the present petition.

16. A copy of this order be filed by the Official Liquidator with the Registrar of Companies within the statutory period, as provided for in the Act.

17. The petition is accordingly disposed of.