(2019) 12 DEL CK 0440

In the Delhi High Court

Case No : Company Petition No. 26 Of 2019

Ecosecurities India Private Limited (In Vol. Liqn)

Date of Decision : 20-12-2019

Acts Referred:
Companies (Court) Rules, 1959 — Rule 315, 329, 331
Companies Act, 1956 — Section 484(1)(b), 485, 493, 497, 497(1), 497(6)

Citation : (2019) 12 DEL CK 0440

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : Ruchi Sindhwani, Megha Bharara

Final Decision : Disposed Of

Judgement

Jyoti Singh, J

1. This petition is filed under section 497(6) of the Companies Act, 1956 (hereinafter referred to as "the Act") by the Official Liquidator seeking dissolution of the Company Ecosecurities India Private Limited (in members voluntary liquidation).

2. The said Company was incorporated under the provisions of the Companies Act, 1956 with the name "Ecosecurities India Private Limited" with Registrar of Companies, NCT of Delhi & Haryana at Delhi on 18.08.2006 vide CIN No. U74140DL2006FTC198434 with an authorized capital of Rs.50,00,000 (Rupees Fifty Lacs only) divided into 5,00,000 (Five Lacs) equity share of Rs.10/- (Rupees Ten) each. The paid up capital of the Company as per the Master Data available on the portal of MCA 21 is Rs.46,00,000/- (Rupees Forty Six Lacs only).

3. The registered office of the company is situated within the territory of NCT of Delhi at A-72 FF, Captain Gaur Marg, East of Kailash, Delhi - 110065.

4. The financial position of the company as disclosed in the audited balance sheets ending as on 31.03.2016 & 30.09.2016 are also annexed to the petition.

5. The prescribed Form No. 149 for the Declaration of Solvency was filed with the

Registrar of Companies on 11.11.2016 vide SRN No. G21186499.

6. Pursuant to the provisions of Section 484 (1)(b) 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 15.11.2016 and a special resolution was passed whereby Mr. Amit Goel was appointed as the Voluntary Liquidator of the Company.

7. That as per the requirement of Section 485 of the Act, the Company has published a notification in the newspapers namely "Business Standard" (English) and (Hindi) on 30.11.2016 and in the Official Gazette on 31.12.2016.

8. The notice of appointment of Voluntary Liquidator in Form 152 as required under Section 493 R/W Rule 315 of the Companies (Court) Rules, 1959 was filed with the Registrar of Companies. The Voluntary Liquidator had also published Form 151 for his appointment as Voluntary Liquidator.

9. Further, pursuant to the provisions of Section 497 (1) of the Act, the Liquidator has also published Form No.155 in the newspapers namely "Business Standard" (English & Hindi) Edition on 19.07.2018 and in the Official Gazette on 28.07.2018 for the final meeting to be held on 22.08.2018.

10. The Final Meeting of the said company was held on 22.08.2018 and the Voluntary Liquidator filed 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 15.11.2016 to 16.05.2018 with the Registrar of Companies, NCT of Delhi & Haryana in Form 156 vide SRN: H04969242 dated 28.08.2018 & Form 157 vide SRN: H04816575 dated 28.08.2018 and with the Official Liquidator on 29.08.2018.

11. The Official Liquidator has received No Dues Certificate from Income Tax Department and no objection has been received from the Registrar of Companies.

12. The Voluntary Liquidator namely Mr. Amit Goel and Director Mr. Rahul Singh have filed Indemnity bonds and Affidavit dated 17.01.2019 & 22.01.2019 respectively, with the Official Liquidator undertaking to indemnify:

"the concerned parties/departments/authorities of local/State/ Government of India, if any, dues/shortage/Tax/other liabilities which may arise in future in relation with M/s Ecosecurities India Pvt. Ltd."

13. The Official Liquidator is also satisfied 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.

14. In view of the foregoing and in view of the satisfaction accorded by the Official Liquidator by way of the present petition, the said company is hereby wound up and shall be deemed to be dissolved with effect from the date of the

filing of the present petition i.e. 09.12.2019.

15. 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.

16. The petition is accordingly disposed of.

