

(2017) 11 DEL CK 0258

In the Delhi High Court

Case No : Company Petition No. 62 Of 2017

In The Matter Of E.F.Educational Tour Pvt. Ltd.(In Vol. Liqn.) Vs

Date of Decision : 22-11-2017

Acts Referred:

Company (Court) Rules, 1959 — Rule 315, 329, 331
Companies Act, 1956 — Section 488, 490, 497, 497(6)

Citation : (2017) 11 DEL CK 0258

Hon'ble Judges : Jayant Nath, J

Bench : Single Bench

Advocate : Rishi Manchanda

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 "the Act"), by the Official Liquidator (OL) for voluntary winding up of E.F.EDUCATIONAL TOURS PRIVATE LIMITED (herein referred to as the "said company").
2. The said Company was incorporated on 23.01.2006 under the provisions of the Act with the Registrar of Companies (ROC), having authorized share capital of Rs. 25,00,000/- divided into 2,50,000 equity shares of Rs. 10/- each.
3. The registered office of the said company is situated within the territory of NCT of Delhi at 12, Bhagat Singh Marg, New Delhi.
4. Pursuant to the provisions of Section 490 of the Act and other applicable provisions of the Act, the said Company has passed a special resolution in its Extraordinary General Meeting held on 04.08.2014 for voluntary winding up of the Company, wherein, Mr. Uday Shankar R M was appointed as a Voluntary Liquidator of the said Company at a remuneration of Rs.2,00,000/-.

5. The ROC was informed regarding the voluntary winding up and the appointment of the Voluntary Liquidator. Notices under Rule 315 of the

Company (Court) Rules, 1959, were issued and requisite forms were filed with the ROC and the same was published in the Official Gazette on

19.09.2014 as well as in the newspaper 'Financial Express' (English) on 08.08.2014 and 'Jansatta' (Hindi) Newspapers dated 08.08.2014.

along with Memorandum of Association and Articles of Association with the Office of OL.

6. The Declaration of Solvency was executed and approved by the Board of Director in their meeting held on 18.07.2014, and the same has been filed

with the office of the ROC in Form 149 as prescribed under section 488 of the Act.

7. Pursuant to Section 497 of the Act, final Extraordinary General Meeting was held on 30.07.2016 and the Voluntary Liquidator filed the final

accounts of the said Company in Forms No. 156 and 157, as prescribed under Rules 329 and 331 of the Companies (Court) Rules, 1959, before the

ROC and to the OL and the same has been published in 'Business Standard' (English & Hindi) on 25.06.2016 and in 'Official Gazette' on

06.08.2016.

8. The OL has received No Objection Certificates from the ROC and the Income Tax Department.

9. The Voluntary Liquidator of the said company have filed no dues certificate whereby he declared that there are no outstanding dues against the

said company.

10. The shareholders of the said company have submitted their indemnity bonds and declared that in case of any future liability/debt that may arise

against the said company after the liquidation, then they shall indemnify to settle all such future liability /debt to the extent of consideration they

received from the said company.

11. 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.

12. 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.

24.10.2017

13. In view of the above and 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 petition i.e. 24.10.2017

14. A copy of this order be filed by the OL with the ROC within the statutory period as per the provisions of the Act.

15. The petition is accordingly disposed of.