

(2018) 10 DEL CK 0466

In the Delhi High Court

Case No : Company Petitionl No. No. 22 Of 2018

M.A.R.K. Hotels Limited(In Vol.Liqn.)

Date of Decision : 12-10-2018

Acts Referred:

Companies Act, 1956 — Section 488, 490, 497(1), 497(6), 516
Companies (Court) Rules, 1959 — Rule 313, 315, 329, 331

Citation : (2018) 10 DEL CK 0466

Hon'ble Judges : Jayant Nath, J

Bench : Single Bench

Advocate : Isha Khanna

Final Decision : Disposed Off

Judgement

JAYANT NATH, J. (ORAL)

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 M.A.R.K. HOTELS LIMITED (IN VOL.LIQN.) (herein referred to as the "said company") from the date of the filing of the instant petition.
2. The said Company was incorporated under the provisions of the Act with Registrar of Companies (ROC), NCT of Delhi & Haryana at Delhi originally incorporated on 27.11.1989, vide CIN No. U74899DL1989PLC038453 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.
3. The registered office of the said company is situated within the territory of NCT of Delhi at 4/15, Asaf Ali Road, New Delhi, 110002.
4. The first promoters at the time of incorporation were Mr.Rohit Khattar and Mr.Anand Mahindra.

5. At the time of Members Voluntary Winding up of the said company, there were seven shareholders. The directors at the time of Members

Voluntary Winding-up were Mr.Rohit Khattar, Mr.Sandeep Tandon, Mr.Rajesh Aggarwal. The financial position of the said company as disclosed in

the audited balance sheets ending as on 31.03.2014, 31.03.2013 & 31.03.2012 are also annexed to the petition.

6. The prescribed Form No.149 for the Declaration of Solvency was filed with the ROC on 07.04.2015 vide SRN No.C49175508.

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

Members of said company was held on 20.04.2015 and a special resolution was passed whereby Mr.Sanjeev Kumar Bajaj was appointed as the

Voluntary Liquidator of the said Company. In this regard Form MGT-14 was filed with the ROC.

8. That as per the requirement of Section 485 of the Act, the said Company has published a notification in newspapers namely "Business

Standard" (Hindi) and "Business Standard" (English) as well as in the Official Gazette (English & Hindi) on 29.04.2015 & 23.05.2015

respectively.

9. The notice of appointment of Voluntary Liquidator in Form 152 as required under Section 493 of the Act read with Rule 315 of the Companies

(Court) Rules, 1959 was filed with the ROC. The Voluntary Liquidator had also filed Form 151 as required under section 516 of the Act read with

Rule 315 of the Companies (Court) Rules, 1959 for his appointment as Voluntary Liquidator.

10. Further, pursuant to the provisions of Section 497 of the Act, the Final Meeting of the said company was held on 20.01.2016 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 20.04.2015 to 11.12.2015 with the OL on 08.02.2016 and before the ROC on 27.01.2016. The Voluntary Liquidator has also published

Form No.155 in the newspapers namely "Pioneer" (English) & (Hindi) on 12.12.2015 and in Official Gazette (English & Hindi) on 02.01.2016 for

the final meeting on 20.01.2016.

11. The OL has received No Dues Certificate dated 07.06.2017 from Income Tax

Department and no objection dated 11.04.2018 has also been received from the ROC.

12. The Voluntary Liquidator has filed Indemnity bond dated 13.01.2018 with the OL undertaking that in case any liability arises towards Income

Tax/Sales Tax Departments and other Government Authorities, it will be paid by shareholders/members of the said company and in the event such

demand, if raised, is not met by the shareholders/Members of the said Company the same will be paid by him as the Voluntary Liquidator of the said

Company.

13. The OL is also satisfied that the necessary compliance of Section 497 of the Act 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 OL 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. 27.09.2018.

15. A copy of this order be filed by the OL with the ROC within the statutory period, as provided for in the Act.

16. The petition is accordingly disposed of.