

(2017) 12 DEL CK 0275

In the Delhi High Court

Case No : Company Petition No. 65 Of 2017

S.S.Sanitary Private Ltd. (In Vol..Liqn.) Vs

Date of Decision : 11-12-2017

Acts Referred:

Companies (Court) Rules, 1959 — Rule 313, 315, 329, 331
Companies Act, 1956 — Section 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 496, 497, 497(6), 516

Citation : (2017) 12 DEL CK 0275

Hon'ble Judges : Jayant Nath, J

Bench : Single Bench

Advocate : Kunal Sharma

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

the voluntary winding up of SS Sanitary Private Limited (herein referred to as the "said company").

2. The said company was incorporated on 14.01.2006 under the provisions of the Act with the Registrar of Companies (ROC) having its registered

office situated at E-986, Saraswati Vihar, Pitampura, New Delhi-110034.

3. The ROC was informed about the Voluntary Winding up of the said company when the Board of Directors declared their solvency in the meeting,

held on 07.03.2016. The said declaration was executed in Form 149, as prescribed under Rule 313 of the Companies (Court) Rules, 1959.

4. Thereafter, the said company under the provisions of Section 490 of the Act had passed a special resolution in its Extraordinary General Meeting,

held on 31.03.2016, for the voluntary winding up of the said company and Mr.

Amar Gopal Gambhir, proprietor of M/s A.G.G. & Associates, was appointed as the Voluntary Liquidator of the said Company.

5. Notice of Voluntary liquidatorsâ?? appointment was served to the ROC as per Rule 315 of the Companies (Court) Rules, 1959 and under section

516 of the Act, the said appointment was also published in â??The Sikh Timesâ? (English) newspaper on 06.04.2016 and â??Charchit Duniyaâ?

(Hindi) newspaper dated 07.04.2016 as well as in the Official Gazette in Form No. 151 on 14.05.2016. The Memorandum of Association and Articles

of Association of the said Company were filed with the office of the OL.

6. Pursuant to Section 497 of the Act, the Voluntary Liquidator published the final Extraordinary General Meeting of the members which held on

06.09.2016 and also 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.

7. The OL had received No Objection Certificates from the ROC and from the Income Tax Department on 08.02.2017 and 12.04.2017.

8. The OL was intimated about surrender of the service tax registration from the Central Board of Excise and Customs. The Voluntary Liquidator,

Mr. Amar Gopal Gambhir, and two directors of the said company, namely, Sh. S.K. Gupta and Smt. Anju Gupta, have filed an indemnity bond along

with affidavit with the OL on 03.10.2016 and 21.06.2016, undertaking to pay and settle all lawful claims/dues arising in future after the winding up of

the company and to indemnify any person for any losses that may arise pursuant to the winding up of the company.

9. The OL has scrutinized the records submitted by the Voluntary Liquidator and has recorded necessary satisfaction, as prescribed under section 484

to 497 of the Act, that the affairs of the Company have not been conducted in a manner prejudicial to the interest of its members or to the public

10. Hence, the OL in these circumstances, has sought orders for winding up and final dissolution of the Company from the date of filing of the petition

i.e. 11.08.2017.

11. In view of the above and the satisfaction recorded by the OL, the Company is wound up and shall be deemed to be dissolved with effect from the

date of the filing of the petition i.e. 11.08.2017.

12. A copy of the order be filed by the OL with the ROC within the statutory period as per the Act.
13. The petition is disposed of.