

(2005) 02 DEL CK 0005

In the Delhi High Court

Case No : CP 202 of 1996

Workmen and Others

APPELLANT

Vs

Wings Wear Pvt. Ltd. and Others

RESPONDENT

Date of Decision : 09-02-2005

Acts Referred:

Citation : (2005) 120 DLT 403

Hon'ble Judges : A.K. Sikri, J

Bench : Single Bench

Advocate : Ravinder Kumar and Mayank Goel, Ashok Aggarwal and Krishan Kumar, for the Appellant; B.S. Shukla, for Amit Dhal, for R.S. Chouhan and R.C. Beri and Kapil Kher, for the Respondent Nos. 1, 3, 4 and 5, for the Respondent

Judgement

A.K. Sikri, J.—Workmen of Wings Wear Private Limited has filed this petition seeking winding up of the company on the ground that salaries to them have not been paid. Notice of this petition was issued to the respondent and after hearing both the parties, order dated 7th November, 2002 was passed inter alias recording that a sum of Rs. 31 lacs was due and payable pursuant to the award passed by the learned Industrial Tribunal and that if the said award is given effect to fully, approximately Rs. 1 crore would be outstanding against the respondent. Contention of the Counsel for the respondent was noted to the effect that amount payable was not Rs. 1 crore. However, liability to the extent of Rs. 10 lacs was admitted. In view of this, the Court formed the opinion that the respondent company was indebted to the petitioner. This petition was accordingly admitted to hearing and old was appointed as the Provisional Liquidator. Liberty was also granted to the respondent company to approach the Court with a scheme and submission in this regard was made by Counsel for the respondent in August, 2002. Citations have been published on 5th January, 2005. Whether Counsel for the old has produced these citations, he shall file the same during the course of the day. The respondent company has not filed any such scheme as proposed by the company way back in August, 2002.

2. There is no opposition from any other side also to the prayer of winding up made in the petition. In view of these facts, I am of the firm view that the respondent is indebted to the petitioner and is unable to pay the debts. The company is accordingly ordered to be wound up. However, intimation in this behalf shall be sent to the Registrar of Companies. The Official Liquidator, who was appointed as the Provisional Liquidator, shall now act as the Liquidator. No further citations are to be published in newspaper. However, citation shall be published in Delhi Gazette by the OL.

3. The petition is disposed of.

4. Learned Counsel for the old shall file latest status report within four weeks. He also submits that requisite application for recovery of rent from Mr. R.S. Chouhan shall also be filed within two weeks.

List for report on 28th April, 2005.