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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CO.PET. 986/2016

J WALTER THOMPSON A UNIT OF HINDUSTAN THOMPSON
ASSOCIATES PVT LTD Petitioner

Through: Mr. Pramod B. Agarwala, Advocate with
Mr. Aayush Agarwala, Advocate

versus

GETIT STORES PVT. LTD. Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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07.10.2016

This petition under Section 433(e) and 434 of the Companies Act, 1956, seeking winding up of the respondent-company/Getit Inforservices Pvt. Ltd. is, *inter alia*, predicated on the ground of non-payment of an amount of Rs.61,81,804/-, despite service of notice of winding up on the corporate office of the respondent-company at 402/403, 4th Floor, Iris Tech Park, A-Block, Sector-48, Sohna Road, Gurgaon Haryana as the registered office of the respondent company at 1205, 12th Floor, New Delhi House, Barakhamba Road, New Delhi-110001 was found closed. No reply is stated to have been given by the respondent-company, to the aforesaid legal notice.

Learned counsel for the petitioner has invited my attention to a copy of the newspaper report whereby it has been stated that the respondent-company has frozen its operations and is on a virtual lockdown. It is further reported in the newspaper that there is a complete shut down due to which the salaries of

considerably large number of employees have not been paid and dues of various vendors are yet to be settled by the respondent-company.

Upon the petitioner taking all necessary steps for the service of the respondent-company herein within two weeks from today, issue notice to the latter to show cause as to why the present company petition be not admitted and the respondent-company be not wound up, returnable on 12.12.2016.

In addition to the reply to the show cause notice, the Managing Director or in his absence, all the Directors of the respondent-company shall file their personal affidavits setting down the following:

- (i) All information and particulars with regard to their shareholding in the company, their involvement in the affairs of the company and the nature of steps taken by them with regard to the management of the company;
- (ii) The Profit & Loss Account and the Balance Sheets of the respondent-company for the last three years;
- (iii) The list of the bank accounts of the respondent-company;
- (iv) The names and residential addresses of the Directors and Company Secretary of the company along with their PAN and DIN numbers;
- (v) The particulars of assets held in the name of all the Directors of the respondent-company along with the dates of acquisition as well as the nature of their right, title and interest therein; to be disclosed in a sealed cover for the time being;
- (vi) The address of the registered office and the corporate or branch offices, if any, of the respondent-company;
- (vii) The location of the statutory records and books of account of the company;
- (viii) The list of immovable assets, land and building etc. of the respondent-company, along with full particulars thereof sufficient

to accurately identify and locate the said assets;

- (ix) The details of location of the assets of the company and their value;
- (x) Details of the debtors and creditors of the company with their complete addresses; and
- (xi) The details of workmen/employees and any amount outstanding to them; and
- (xii) The respondent-company as well as its Directors shall disclose their connection with any other entities whether incorporated or not and the extent of their interest therein, with full particulars.

The said affidavits shall be filed within a period of six weeks from today with an advance copy to counsel for the petitioners.

In case the said affidavits are not filed for any reason, the concerned Directors, including the Managing Director, of the respondent-company shall remain personally present on the next date of hearing to enable this Court to examine them if required, on that date.

Till the next date of hearing, the respondent-company shall not dispose of or alienate or encumber either directly or indirectly, or otherwise part with possession of any assets of the company, including all the movable and immovable assets, except in the ordinary course of business and for the payment of salaries and statutory dues, without prior permission of this Court.

A copy of this order and the petition shall accompany the notice.

CO.APPL.3951/2016 (Stay)

Counsel for the applicant/petitioner states that in view of the interim orders passed in the main petition today, he does not press this application and the same be disposed of in terms of the said orders.

Ordered accordingly.

The application stands disposed of.

CO.APPL.3950/2016 (Appoinement of Provisional Liquidator)

Issue notice to the respondent-company by all permissible modes, on the applicant/petitioner taking necessary steps within one week, returnable on 12.12.2016.

SIDDHARTH MRIDUL, J

OCTOBER 07, 2016

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