**Petition For Winding-Up Of A Company**

In the High Court at …………..

Original Jurisdiction

Company Petition No. ..................... of 2003

In the matter of

The Companies Act 1956

In the matter of:

An Application under sections 433, 434 and 439 of the Companies Act 1956

And

In the matter of:

…… Ltd., a company registered under the Companies Act 1956 with its Registered   Office   at Shimla within the said jurisdiction

And

In the matter of:

AB resident of........................ Shimla within the said jurisdiction

Petitioner

To

The Hon'ble Mr. Chief Justice and His Companion Justices of the said Hon'ble Court

AB the petitioner above-named most respectfully

SHOWETH:

1. The address of ….petitioner for serving notices, processes etc. is that of its Advocate-on-Record M/s …….with its office at..................... .

2. ….Co. Ltd. (hereinafter referred to as the said company) was created on 5th March 1982 under the Companies Act 1956.

3. The registered office of the company being at........................ within the said jurisdiction.

4. The authorised, issued subscribed with paid-up capital of the company being Rs. .................. divided into .................. equity shares of Rs. 10 each.

5. The main objects for creating /forming the company exist in the Memorandum of Association of the company and include primarily business for trading all commodities/articles.

 6. On or about ..................... at per company request, petitioners vended and handing over goods of some quantity, at consented price-The company expecting goods and used the same.

7. Petitioner presented bills which were accepted and never controverted by the company.

8. The company paid Rs. 5 Lakhs due to part payment and promised in paying the balance of Rs.20 Lakhs by a month, which period has ended on 30th March 2002.

9. Despite demand, company has not paid Rs. 20 Lakhs or any portion thereto and deferred payment thereto with lame excuses per letter dated ..................... the company requested three months' time more for paying balance  Rs. 20 Lakhs. Copy of this letter is inclosed herewith. Despite said promise company has not paid balance amount .

10. Petitioner through its Advocate on Record issued a notice dated…….. to the company asking payment of Rs. 20 Lakhs with interest at 18% annually from due date of payment till realisation. Such rate of interest exist in the agreement, which is shown from bills of petitioner copies whereof are annexed hereto.

11. After expire more than four weeks, company have neither replay to notice nor paid any amount to your petitioner.

12. The petitioner is claiming Rs. 20 Lakhs with interest amounting to Rs. 5 Lakhs totalling Rs. 25 Lakhs.

13. The company has neglected by not paying and denying the said Rs. 25 Lakhs or any part thereof.

14. The company can not pay to creditors, as its liability exceeds its likely and present assets.

It is insolvent commercially. In the premises it is fit, just and equitable that the company should be and be wound up under the enactment of the Companies Act 1956.

15. This application is made bona fide, in the interest of justice, and the balance of convenience lay in passing Orders prayed for herein.

The petitioner hence humbly prays Your Lordships for the following Orders:

(a) …… Co. Ltd. be wound up under the enactments of the Companies Act 1956;

(b) Official Liquidator be appointed as Liquidator of the company for taking possession of assets, properties, books and records of the company forthwith;

(c) Further Orders be made and directions be given as to this Hon’ble Court may deem proper and fit.

And

Your petitioner as in duty bound shall ever pray.

Date:

Place:

Sd/-CD (XY & Co.)

Advocates for the petitioner

Affidavit

I, AB residing at............... do hereby solemnly affirm and say as follows:

1. That I, being creditors of the company. I know and I have made myself acquainted with the facts/circumstances of this case and I am deposing thereto.

2. The statements mentioned per paragraphs 1 to 10 of petition herein now shown to me marked with letter "A" are true to my best knowledge and those mentioned in paragraphs 11 to 13 hereof are based on information derived from records in my possession, and believed by me to be true and correct and those mentioned in paragraphs 14 and 15 hereof are my humble submissions to this Hon’ble Court.

3. The statements mentioned in foregoing paragraphs of this Affidavit are true to my knowledge.

Solemnly affirmed by the said AB

DATE:

PLACE:

Oath Commissioner

Deponent