

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL CASE NO. 3 of 2023****In R/COMPANY PETITION NO. 11 of 2013**

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OFFICIAL LIQUIDATOR OF M/S NISSAN COPPER LTD

Versus

SANJAY KUMAR SHANTILAL MARDIA

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Appearance:

for the Accused No. 1,2,3,4

SHIVANG A THACKER(7424) for the Complainant(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 27/04/2023****ORAL ORDER**

1. Ms.Bhoomi Thakore, learned advocate submitted that vide order dated 10.10.2018, the company has been directed to be wound up. Apropos which, notice was issued to the ex-directors on 21.12.2018 to file the statement of affairs under Section 454 of the Companies Act, 1956 (hereinafter referred to as "the Act of 1956"). Moreover, the directors were requested to remain present somewhere in the year 2019 for recording of the statement under Rule 130 of the Companies (Court) Rules, 1959; however, letters addressed to the ex-directors have been returned by the postal department with an endorsement "Left". It is submitted that despite issuance of the notice, none of the ex-directors of the company have filed the statement of affairs under Section 454 of the Act of 1956 nor recorded their statement under Rule 130. It is therefore, submitted that the ex-directors have willfully and deliberately neglected to file statement of affairs with the Official Liquidator and committed default under sub-section (5) of Section 454 of the Act of 1956. It is submitted that three of the directors have addressed the

letter, stating that Mr.Ratanlal S. Mardia was looking after day to day affairs of the company in liquidation and they were not in possession of any records or any information of the company in liquidation.

2. Considered the submissions. Issue summons to the accused nos.1 to 4, returnable on **16.06.2023**.

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(SANGEETA K. VISHEN,J)