

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Company Petition No. 11/2000

M/s Kamal Oil Mills

-----Petitioner

Versus

Sunpac Oils Private Ltd

-----Respondent

For Petitioner(s) : Mr. Anant Priya Jain, Adv. for
Mr. N.C. Choudhary, Adv.

For Respondent(s) : Mr. Sunil Nath, Adv.

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

26/07/2018

Mr. Sunil Nath appears and states that he has tried to contact the respondent-company but has not received any instructions.

The present company petition filed by the petitioner company under Sections 433 and 434 of the Companies Act, 1956, it is stated as under:-

"8. That against the purchase orders issued by the Company the petitioner supplied the ordered Soya Degum Oil through Jai Ambey Road Carriers B-1122, Shastri Nagar, Delhi 110031 on 17.8.98. The Details of Tankers who supplied the oil to the Company is given below:-

Tanker No. MP-14K-0603,

Tanker No. MP-14-3702

Tanker No. MH-04-H-8639

Tanker No. MH-04-H-1939

All tankers left Delhi on 17.8.1998

Copy of Booking invoice of the Jai Ambey Road Carriers is annexed herewith marked as Annexure 6 to 9. And the Company received the consignments at factory premises on 19.8.98 and 21.8.98.

9. That the Company received the Soya Degum Oil on 19.8.98 20.8.98 and 21.8.98 the copies of the receipt of the above consignment is enclosed herewith and marked as Annexure 10 to 13.

10. That since payments of above supply were not made by the Company to the petitioner, petitioner wrote heap of letters and reminders for payment through Registered Post some of them are being dated 10.9.99, 18.09.98, 25.09.99, 9.10.99, and copies of the same are enclosed herewith and marked as Annexure 14 to 17.

11. That as per the letters total outstanding as on the date with respect to the supplies made by the petitioner to the Company are as follows:-

Sr. No.	Invoice No.	Dated	Amt. (RS.)
a)	413	17.08.98	464744.00
b)	414	17.08.98	457024.00
c)	415	17.08.98	576298.00
d)	416	17.08.99	506432.00

Total 2004498.00"

Taking into consideration that there has been a failure of the company to pay its debts and it owes the sum which it has not paid, this Court deems it appropriate to appoint official liquidator attached to this Court as Provisional Liquidator of the company and exercise all powers under Sections 450 and 457 of the Act. Notices in this regard shall be published on the Notice Board of the OL's office.

Admit.

List the case again on **23rd August, 2018** for OL to submit his report.

(SANJEEV PRAKASH SHARMA),J

R.Vaishnav

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