

Biocon India Ltd. Vs. Associated Alcohols and Breweries Ltd.

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SooperKanoon Citation : sooperkanoon.com/504321

Court : Madhya Pradesh

Decided On : Mar-05-2004

Reported in : III(2004)BC524

Judge : A.M. Sapre, J.

Acts : [Companies Act, 1956](#) - Sections 10

Appeal No. : Co. P. No. 16 of 2001

Appellant : Biocon India Ltd.

Respondent : Associated Alcohols and Breweries Ltd.

Advocate for Def. : None

Advocate for Pet/Ap. : Inani, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

A.M. Sapre, J.

1. This is a petition filed under Section 433 read with Section 434 of the Companies Act for winding up of the respondent Company. On notice being issued to the respondents, the respondents have filed an affidavit along with a

certificate of incorporation stating therein that the registered office of the respondent Company is situated at Calcutta i.e. in the State of West Bengal. It is on this basis the respondents have contended that the petition is not maintainable at Indore for want of territorial jurisdiction as required under Section 10 of the Companies Act.

2. I am inclined to accept the objection raised by the respondents because admittedly Section 10 of the Companies Act determines the territorial jurisdiction of the Company matters to be filed under the Companies Act for winding up of a petition. Section 10 in clear terms provides that a petition for winding up can be filed against a Company only at a place where the registered office of the Company is situated. Admittedly the respondent Company's registered office is situated at Calcutta (W.B.) and, therefore, the proper Court for filing of the winding up petition against the respondent is at Calcutta i.e. Calcutta High Court and not in the High Court of M.P. Bench at Indore.

3. In view of the situation and in this view of the matter the petition is not maintainable for want of territorial jurisdiction.

4. It is accordingly dismissed.