

IN THE HIGH COURT OF FIJI AT SUVA

COMPANIES JURISDICTION

Action No. HBE 50 of 2023

IN THE MATTER of **KADAVULAILAI DEVELOPMENT PTE LTD** a limited liability company having its registered office at Serenity Island, Nadi, Mamanuca Group.

AND

IN THE MATTER of the Companies Act 2015

Counsel : Mr.Faktaufon, V and Ms. Faktaufon, V for the Creditor Company
No Appearance for the Debtor Company

Date of Hearing : 30th April, 2024

Date of Judgment : 28th May, 2024

JUDGMENT

- 1) Tullet Pty Ltd (the Creditor Company) served on the Kadavulailai Development Pte Limited (the Debtor Company) a Statutory Demand requiring the Debtor Company to pay AUD\$48,492.44 being for payment of consultancy works provided to the Company as per Invoice No. B1-19 dated 31st October, 2019 for AUD\$28,386.05; Invoice No. B1-20 dated 30th November, 2018 for AUD\$14,856.39 and Invoice No. B1-21 dated 31st December, 2018 for AUD\$5,250.00.
- 2) Since the Debtor Company did not pay the amount claimed and also did not make an application to set aside the Statutory Demand, the Creditor Company, on 1st December, 2023 made an application to have the Debtor Company wound up.

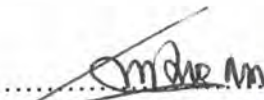
- 3) The Learned Acting Deputy Registrar Legal referred this matter to this Court on 1st December, 2023 for mention.
- 4) From the record it appears that the Debtor Company has not been represented before the learned Deputy Registrar Legal nor was there any representation before this Court.
- 5) Even during the hearing of this matter, the Debtor Company was not present nor represented.
- 6) Rule 15(1) of the Companies (Winding Up) Rules 2015 states:

On the hearing of an application under section 513 of the Act, a person may not, without leave of the court, oppose the application unless the person has, not less than 7 days before the time appointed for the hearing-

- (a) Filed an affidavit in opposition to the application; and
 - (b) Served on the applicant or the applicant's solicitor-
 - (i) a notice in the form of Form D6 in Schedule 2 of the grounds on which the person opposes the application; and
 - (ii) a copy of the affidavit.
- (7) In this instance, since the Debtor Company has failed to comply with the above requirements, the application for winding up is successful.

ORDERS

1. The Debtor Company Kadavulilai Development Pte Limited is hereby wound up.
2. The Official Receiver is approved as the Provisional Liquidator.
3. There will not be an order for costs.

.....

Waleen M George
Acting Puisne Judge



Dated at Suva this 28th day of May 2024.