

**IN THE HIGH COURT OF FIJI
AT SUVA
COMPANIES JURISDICTION**

Winding Up Action No. HBE 17 of 2024

IN THE MATTER of TANZ AUTO (FIJI) PTE LIMITED a limited liability company having its office at 13-14 Toti Street, Wailada, Lami, Fiji Islands.

AND

IN THE MATTER of the Companies Act 2015.

BETWEEN

:

FIJI GAS PTE LIMITED a limited liability company having its registered offices at the corner of Foster Road and Amra Street, Walu Bay, Suva, Fiji Islands.

Applicant

AND

:

TANZ AUTO (FIJI) PTE LIMITED a limited liability company having its registered office at 13-14 Toti Street, Wailada, Lami, Fiji Islands.

Respondent

Representation

Applicant: Mr. T. Tuitoga (Haniff Tuitoga)

Respondent: Mr. T.V. Faktaufon (Vama Law)

Date of Hearing: 26th August 2024.

RULING

A. Introduction

[1] On 18th January 2024 a demand notice was issued to the Respondent Company (TANZ) under Section 515 of the Companies Act 2015 for the sum of \$430,273.36 on behalf of Fiji Gas PTE Limited. The demand notice was served on the company. On 27th March 2024, Fiji Gas PTE Limited filed a winding up application against Tanz Auto. The application was supported by an affidavit of Hans Reiher. The application and the

affidavit were served on the Respondent Company at its registered office on 17th April 2024. An affidavit of service has been filed.

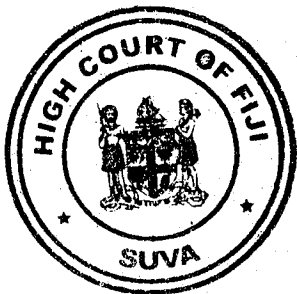
- [2] On 8th August 2024 I declined leave application pursuant to section 529 (2) of the Companies Act 2015 of the Respondent Company (TANZ). The Respondent Company failed to rebut the presumption of solvency. No opposition was filed.

B. Analysis

- [3] On 22nd May 2024 the Deputy Registrar certified that the Rules for winding up section 19 (1) were complied with and issued a "**Winding Up Rule 19 (2) Full Compliance Certificate**". All the requirements for the application have been complied with by the Applicant. I therefore order that **TANZ AUTO (FIJI) PTE LIMITED** be wound up under the provisions of the Companies Act 2015. I also order that the Official Receiver be appointed as the liquidator to conduct the winding up. Costs are summarily assessed to be paid by the TANZ Auto (Fiji) PTE Limited to Fiji Gas PTE Limited in the sum of \$2000.00 with 21 days.

C. Court Orders

- (a) **TANZ AUTO (FIJI) PTE LIMITED** be wound up under the provisions of the Companies Act 2015.
- (b) The **Official Receiver** be appointed as the liquidator to conduct the winding up.
- (c) **Tanz Auto (Fiji) PTE Limited** is to pay the **Fiji Gas PTE Limited** \$2000.00 as costs, within 21 days. The costs have been summarily assessed.



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Chaitanya S.C.A. Lakshman

Puisne Judge
30th August 2024