

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

**WINDING UP Case No. 18 of 2020**

**IN THE MATTER OF RPA GROUP (FIJI)  
LIMITED**

**AND**

**IN THE MATTER of the Companies Act  
No. 3 of 2015**

**BEFORE** : M. Javed Mansoor, J

**COUNSEL** : Ms. N. Begg for the Applicant  
Mr. S. Rattan for CR Engineering Pte. Limited  
: Mr. J. R Rabuku for RPA GROUP (FIJI) Limited

**Date of Decision** : 22 June 2020

## DECISION

1. An application was filed on 26 March 2020 by the applicant, R.C Manubhai & Company Limited to wind up RPA Group (Fiji) Limited (“Company”) on the ground that it is unable to pay its debts. An affidavit sworn on 25 March 2020 verifying the application for winding up was given by Jiten Kumar, a director of R.C Manubhai & Company Limited. The applicant is a creditor of the Company.
2. In his affidavit, Jiten Kumar averred *inter alia*:
  - a. On 8 January 2020, the Company was indebted to the applicant in the amount of \$361,253.62 in respect of goods and services provided to the Company;
  - b. The applicant served on the Company a notice of demand and notice of intention to wind up on 10 January 2020, demanding payment of the above sum within three weeks of receiving the demand;
  - c. The Company failed after service of the demand to pay the amount;
  - d. The Company is unable to pay its debt.
3. The applicant’s notice of demand and notice of intention to wind up stated that failure to make payment within the stipulated period would result in the Company being regarded as unable to pay its debt, and made reference to sections 513 (c) and 515 of the Companies Act 2015.
4. The Company was served with the Application for Winding Up on 2 April 2020, and the matter came up before the Master on 15 & 22 April and on 6 & 8 May 2020 for compliance with winding up rules, and, thereafter, again on 11 May 2020 on which day it was allocated to this court. The Deputy Registrar, on 8 May 2020, certified that section 19 (1) of the Winding Up Rules were complied with.
5. Notice to appear and support the application for winding up, which was advertised to be on 11 May 2020, was filed on 8 May 2020 by another creditor, CR Engineering Pte. Limited. The notice stated that RPA Group (Fiji) Limited was

indebted to CR Engineering Pte. Limited in a sum of \$71,500.00 for goods sold and delivered.

6. When the matter was listed before this court on 28 May 2020, the applicant sought a hearing on the matter, while the supporting creditor moved for a winding up of the Company. Counsel for the Company conceded that an application to set aside the applicant's statutory demand was not filed, and also that no formal opposition was filed against the winding up application. In the absence of opposition to the winding up, the court dispensed with a hearing and reserved ruling on the application to wind up.
7. Another creditor, Arrow Concrete Limited, on 28 May 2020, filed a notice of intention to appear and support the winding up of the Company. There was no appearance in court on behalf of this creditor.
8. The Company is, therefore, wound up on the basis that it cannot pay its debts.

### ORDER

- A. RPA Group (Fiji) Limited is ordered to be wound up.
- B. The official receiver will function as the liquidator.
- C. The parties will bear their costs.

Delivered at Suva this 22<sup>nd</sup> day of June, 2020



  
M. Javed Mansoor  
Judge