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PORT MORESBY, MONDAY, 11th MARCH

[2019

In the National Court of Justice at Waigani Papua New Guinea

MP No. 34 Of 2018 (COMM)

In the matter of the *Companies Act* 1997

AND

In the matter of Paradise Shipping & Logistics Limited (1-184567)

PETITION

THE HUMBLE PETITION OF NIUGINI PILOTS LIMITED, Office 1 & 4, Harbor Side-West Tower, Downtown, Stanley Esplanade, **PORT MORESBY**, National Capital District, Papua New Guinea, showeth as follows;

1. Paradise Shipping & Logistics Limited (in this Petition called "**the Company**") was on 30 August 2012 incorporated under the *Companies Act* 1997 (*the Act*).
2. The registered address of the Company is at Section 42, Allotment 92, BOROKO, National Capital District, Papua New Guinea.
3. The nominal capital of the company is K1.00 divided into 1000 share of K1.00 each. The amount of the capital paid or credited as paid is K1,000.00.
4. The facts upon which the Petitioner relies on in support of this Petition are as follows:

DEBT OF K576,784.34

- (a) On 16 July 2018, the Company was indebted to the Petitioner for the sum of K674,473.51 being for various piloting services as per invoices rendered by the Petitioner between 20 July 2016 and 18 August 2018.
- (b) On 20 August 2018 the Company made a payment of K97,689.17 reducing the debt of the outstanding debt to K576,784.34.
- (c) Between 16 July 2016 and 18 August 2018 the Petitioner made multiple requests to the company both verbally and by correspondence and emails to settle the outstanding debt however, the Company had either neglected, ignored or refused to respond to the Petitioner.

Petition—continued

STATUTORY DEMAND

- (d) On 24 August 2018, the Petitioner delivered to the company the Creditors Statutory Demand for payment of the Debt dated 18 August 2018 demanding full payment of K576,784.34 (**Statutory Demand**).
- (e) One month from the date of delivery of the Statutory Demand referred to in paragraph (d) above lapsed on 24 September 2018 and the Company did not;
 - (i) pay to the Petitioner in full the debt described in paragraph (d) above; or
 - (ii) enter into a compromise under PART XV of the *Companies Act 1997*;
 - (iii) otherwise compound with the Petitioner; or
 - (iv) give a charge over the property of the Company to secure payment, to the reasonable satisfaction of the Petitioner.
- (f) The Petitioner relies on the failure of the Company in paragraph (e) above and within one month after expiry of the delivery of the Statutory Demand makes this application for winding up of the company.

THE PETITIONER THEREFORE HUMBLY PRAYS:

1. That a Liquidator be appointed by the Court in accordance with Section 291(2)(c) and 291 (3)(a) of the *Companies Act 1997* with respect to the winding up of the Company pursuant to this Petition.
2. That the Company be wound up by the Court under provisions of Section 291(3)(a) & (d) of the *Companies Act 1997* on the grounds that it is unable to pay its debts as they became due in the ordinary course of business.
3. The Company pay the costs of this Petition and all fees and expenses charged by the Liquidator.
4. Any other order (s) as may be made in the premises as shall be just.

Dated this 4th day of October, 2018.

W. DONALD ,
Donald & Company Lawyers,
Lawyer for the Petitioner.

NOTE: It is intended to serve this petition on the Company at its registered office for service at Section 42, Allotment 92, **BOROKO**, National Capital District, Papua New Guinea.