

HONG KONG / JUDGMENT

RE EDWIN E & M ENGINEERING LTD

COURT

Court of First Instance

DECIDED

22 September 2003

CASE / FILE NUMBER

HCCW689/2003

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bjbjU HCCW000689/2003 HCCW 689/2003 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE COMPANIES (WINDING-UP) NO. 689 OF 2003

IN THE MATTER of EDWIN E & M ENGINEERING LIMITED AND IN THE MATTER of the Companies Ordinance, Chapter 32

Coram: Hon Kwan J in Court Date of Hearing: 22 September 2003 Date of Judgment: 22 September 2003

J U D G M E N T

1. This is a petition to wind up Edwin E & M Engineering Limited ("the Company") presented by Mr Chan Yuk Lam Terry based on an award obtained from the Labour Tribunal on 8 October 2002 in the sum of \$7,478.40. By the same award, the Company is also indebted to 16 other employees in the aggregate sum of \$980,757.60.
2. There are four supporting creditors to this petition, including Chung Yuen E & M Limited, which is a judgment creditor and had previously petitioned to wind up the Company but had withdrawn its petition on reaching a settlement with the Company in April 2003. However, as the Company has defaulted in making payment to this supporting creditor under the settlement agreement, the entire remaining balance of the judgment debt has become due to this supporting creditor.
3. The Company has initially opposed the petition and has filed two affidavits in opposition. I am, however, informed by counsel appearing for the Company today that the Company no longer wishes to oppose the petition.

4. As the debt in the petition is not in dispute and opposition is withdrawn by the Company, I make a winding-up order against the Company. The petitioner's costs are to be paid out of the Company's assets. There will also be one set of costs for all the supporting creditors, to be paid out of the assets of the Company. (S Kwan) Judge of the Court of First Instance High Court Representation: Mr Joseph Lo, of the Director of Legal Aid, for the Petitioner Mr Tam Kin Yip, instructed by Messrs Ivan Tang & Co., for the Company Ms Evelyn Lee Hoi See, instructed by Messrs Andrew W Y Ng & Co., for the Supporting Creditor, Chung Yuen E & M Ltd Three Supporting Creditors: Mr Siu Ping Kwan, Mr Lai Shu Ming and Mr Chan Man To, acting in person, present Miss Vivian Yeung, instructed by the Official Receiver's Office " % & ' 2 t% HCCW000689/2003 Judiciary Normal.dot Judiciary Microsoft Word 9.0 Unisys HCCW000689/2003 Title Microsoft Word Document MSWordDoc Word.Document.8

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