Comp.A.No.562 of 2015 in C.P.No.114 of 1999

V.RAMASUBRAMANIAN,J

This is an application filed by the Official Liquidator seeking to (i) permit him to declare and pay dividend to the three creditors (ii) permit him to open a dividend account with the Punjab National Bank, NSC Bose Road, Chennai (iii) incur the expenses of such declaration of dividend from and out of the funds of the company in liquidation (iv) permit auditing of the final accounts by a chartered accountant or a local fund examiner (v) make payment of the audit fee (vi) grant permission to deposit the unspent money now in the credit of the company in liquidation to the undistributed assets account (vii) form an opinion that the process of liquidation is completed and (viii) order dissolution of the company.

2. Heard Mr.Achyuta Ramaiah, learned Official Liquidator.

3. It is seen that M/s.Saseenath Saswatha Nidhi Limited was ordered to be wound up on 19.9.2001 and the Official Liquidator was appointed as the Liquidator to take charge of the assets of the company. Pursuant to that, the Official Liquidator took possession of the assets. The Official Liquidator sold the immovable property owned by the company in liquidation for a sum of Rs.75 lakhs and movable property for Rs.1,300/-. Subsequently, in Comp.A. No.1463 of 2005 by order dated 28.9.2005, this Court permitted the Official Liquidator to invite claims from all the creditors of the company in liquidation. After receipt of the claims, the Official Liquidator adjudicated the claims.

4. Thereafter, at the instance of the Official Liquidator, this Court directed him to pay dividend at the rate of 75 paise in a rupee, in pursuance of which, he paid first dividend for a sum of Rs.70,63,974/- to 475 depositors. This Court further directed, vide order dated 25.2.2013 in Comp.A.No.197 of 2013, to disburse second dividend at the rate of 13.5 paise in a rupee. Accordingly, the Official Liquidator paid second dividend for a total sum of Rs.12,71,515/- to 475 depositors. It is also seen that there were 11 other depositors, whose claims were adjudicated subsequently and they were paid both the dividends in a sum of Rs.2,80,180/-. As per the report of the Official Liquidator, there are three more claims from depositors, whose claims were adjudicated and admitted for a sum of Rs.30,000/-.

5. As on 21.4.2015, the funds position of the company in liquidation is Rs.1,13,775/-. Therefore, the Official Liquidator seeks to declare and pay the two dividends to the three creditors at the rate of 88.50 paise in a rupee totalling to Rs.26,550/-. After payment of the said sum of Rs.26,550/-, the funds position of the company in liquidation would be Rs.87,225/-. It is also clear that the company in liquidation has no assets to be sold.

6. Therefore, this application is ordered. The Official Liquidator is permitted to declare and pay dividend to the three creditors amounting to Rs.26,550/-. The Official Liquidator is further permitted to open a dividend account with the Punjab National Bank, NSC Bose Road, Chennai and to incur the expenses of such declaration of dividend from and out of the funds of the

company in liquidation. The Official Liquidator is also permitted to conduct an audit of the final accounts of the company in liquidation by a chartered accountant or by a local fund examiner and to make payment of the audit fee. After incurring such expenses towards declaration of dividend, payment of audit fees, etc., the balance amount lying to the credit of the company in liquidation shall be transferred to the common pool fund account. Thereafter, the company stands dissolved and the Official Liquidator is discharged.

04.6.2015

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