

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Company Application No.875 of 2015
in Company Petition No.241 of 2011

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Dated 29.06.2015

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Between:

M/s.You V.Ply N.Decors Pvt. Ltd.,
rep. by its Director
Mr.Kuldip Jain

... Applicant

and

M/s.Nexes Interior Projects Pvt. Ltd.,
(in liqn.), rep.by the Official Liquidator and 2 others.

...Respondents

Counsel for the Applicant: Mr.Sharad Sanghi

Counsel for the respondents: Mr.M.Anil Kumar, SC for OL

The Court made the following:

Order:

This Company Application is filed to direct the Official Liquidator to refund the sum of Rs.10,000/- deposited by the applicant towards initial expenses in pursuance of Order, dated 22-10-2013, in Company Petition No.241 of 2011.

By the aforesaid order, this Court has directed

respondent No.1- Company to be wound up and appointed the Official Liquidator attached to this Court as its Liquidator. This Court has also directed the applicant to deposit a sum of Rs.10,000/- with the Official Liquidator towards initial expenses.

In the affidavit, filed in support of this Application, the applicant has submitted that, at the stage of hearing the application filed under Section 454 of the Companies Act, 1956, this Court has directed accused No.2 to pay the entire amount due to the applicant and that accordingly, accused No.2 has remitted a sum of Rs.50,000/- on 13.04.2015 and another sum of Rs.3,25,000/- on 20.04.2015 through Demand Drafts. The applicant further stated that as it has received the entire amount due from respondent No.1- Company, it has filed Company Application No.876 of 2015 for setting aside the winding up order, dated 22-10-2013, and that the same was allowed on 29-04-2015. The applicant has, therefore, sought for refund of the sum of Rs.10,000/- deposited by it with the Official Liquidator towards initial expenses.

On 29-04-2015, this Court has ordered notice to the Official Liquidator. The Official Liquidator has filed his report, dated 26-06-2015, wherein he has *inter alia* stated that he has incurred an expenditure of Rs.1908/- towards T.A. and D.A. of the Company paid staff for

taking possession, court fee stamps *etc.* The learned Counsel for the Official Liquidator submitted that the report has not included the sum of Rs.2,000/- payable towards Advocate's fees. The learned Counsel for the applicant has fairly stated that the said sum can be deducted from the sum of Rs.8092/- payable to the applicant.

In the light of the above-noted facts and submissions of the learned Counsel, the Official Liquidator is directed to refund a sum of Rs.6,092/- to the applicant from the sum of Rs.10,000/- deposited by it towards initial expenses.

The Application is, accordingly, partly allowed.

(C.V.Nagarjuna Reddy, J)

Dt: 29th June, 2015
LUR