HONOURABLE SRI JUSTICE S.V.BHATT

COMPANY APPLICATION Nos. 248 AND 249 OF 2016
IN
COMPANY PETITION No. 142 OF 2002

DATED 3RD MARCH, 2016

BETWEEN

M/s.Nagarjuna electric Generating Company Ltd (in Liqn)
Rep. by the Official Liquidator

….Applicant in both Company Applications.

HONOURABLE SRI JUSTICE S.V.BHATT

COMPANY APPLICATION Nos. 248 AND 249 OF 2016
IN
COMPANY PETITION No. 142 OF 2002

COMMON ORDER:

The Official Liquidator filed these two applications for the following reliefs.

"**Company Application No.248 of 2016:**

i. permit the Official Liquidator to declare & disburse dividend @ 8.556717 paise in a rupee, an amount of Rs.40,17,608/- to IFCI i.e. secured creditor, after adjustment of interim payments already paid to them in pursuance of this Honourable Court orders.

ii. Authorize Official Liquidator to open a separate dividend account in Punjab National Bank and to pay the dividend to IFCI i.e.

secured creditor of the Company (in liquidation) out of the said account, in terms of Rule 290 of the Companies (Court) Rules, 1959;

iii. Permit the Official Liquidator to pay an amount of Rs.18,960/- to Indian Oil Corporation Ltd., petitioner for winding up towards reimbursement of initial expenses and advertisement charges.

iv. Permit the Official Liquidator to dispense with the publication of notice of dividend in newspapers;

v. Permit the Official Liquidator to send notice of dividend in Form No.138 along with receipt to IFCI i.e. secured creditor of the Company (in Liquidation)

vi. Authorize Official Liquidator to fix the schedule for making payment.

vii. Order that the costs of this application do come out of the assets of the Company (in Liquidator).

Company Application No. 249 of 2016:

i. take the certificate in Form No. 71 filed as Annexure-C in respect of M/s.Nagarjuna Electric Generating Company Ltd., in liquidation relating to the claims of all creditors with the memorandum of admission/rejection of the claim on record.

ii. Direct the Registrar to notify the said Form No.71 on the notice board of this Honourable Court in terms of Rule 169 of the Companies (Court)Rules, 1959.

iii. Order that costs of this application do come out of the assets of the Company (in Liquidation)"

The averments in brief are that the Official Liquidator by selling the available assets of the company in liquidation has realized a sum of Rs.1,50,00,000/-. In Company Application No. 1392 of 2005 vide order dated 25.04.2006 the sale was confirmed by this Court. According to the details furnished by the Ex Directors and also details gathered by the Official Liquidator, IFCI is the sole secured creditor of the company in liquidation. The Official Liquidator in terms of order dated 13.09.2006 in Company Application Nos. 610 of 2006 and 124 of 2009 made interim payment of Rs.1,30,00,000/- to the secured creditor. On 26.11.2013 the Official Liquidator invited claims from the creditors of the company in liquidation. Pursuant to paper publication dated 26.11.2013, the Official Liquidator submits that his office has not received any fresh claims. The claims voluntarily presented have been examined and finally adjudicated. This Court vide order dated 20.03.2014 condoned the delay in filing Form No.71. At the time of hearing, Mr.Anil Kumar learned Counsel appearing for Official Liquidator has drawn attention of this Court to Form No. 71, and mode and manner of disbursement of balance sale consideration towards dividend between IFCI and Indian Oil Corporation Limited (petitioner in Company petition No. 142 of 2002).

The gist of details given by the Official Liquidator is that as on the date, a sum of Rs.40,56,488/- is available to the credit of the company in liquidation. The permissible payments in so far as Indian Oil Corporation Limited are determined as Rs.18,960/-. The Official Liquidator seeks permission of the Court to retain a sum of Rs.19,920/- towards fee payable under Rule 292 of the Companies (Court) Rules and to keep limited money towards future liquidation expenses. Now the prayer is to pay dividend at the rate of 8.556717 paise in a rupee working out to Rs.40,36, 568/- as dividend to IFCI and Rs.18,960/- to Indian Oil Corporation Limited and retain the fee under Rule 294 of the Companies (Court) Rules, 1959

I have perused the material available on record and carefully considered the stand taken by the Official Liquidator in the accompanying affidavit. I am satisfied that the Official Liquidator has set out details and reasons for grant of dividend as prayed for and apportioning expenses as narrated above. The prayers in these applications are therefore granted.

In the result, the applications are ordered accordingly.

JUSTICE S.V.BHATT

DATED 3RD March, 2016.
Msnrx