

THE HON'BLE SRI JUSTICE S.V.BHATT

COMPANY APPLICATION Nos.1158 of 2013 and 1215 of 2014

COMMON ORDER:

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Heard S.Sriram Reddy for applicant, Sri Anil Kumar for official liquidator and Sri P.V.Markandeyulu for respondents 2 and 3.

The applicant in C.A.No.1158 of 2013 prays for the following relief:-

“... to direct the Official Liquidator to consider the claim of the applicant Corporation for payment of the sum of Rs.28,02,000/- paid by it to the Bombay Port Trust on behalf of the Company under liquidation in preference to all other dues and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

The applicant in C.A.No.1215 of 2014 prays for the following relief:-

“.... to direct the Official Liquidator to consider the claim of the Applicant Corporation for payment of the sum of Rs.28,02,000/- paid by it to the Bombay Port Trust on behalf of the Company under Liquidation in preference to all other dues and also permit the Applicant Corporation to file a revised proof of debt claiming interest @ 8.5% per annum from due dates till 30-09-2014 which amount comes to Rs.1,36,85,434/- and also pay future interest @ 8.5% per annum from 01-10-2014 till date of realization and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

With the assistance of learned counsel appearing for the parties, I have perused the affidavits filed in support of the instant applications.

Mr.Anil Kumar on instructions from the official liquidator and having regard to the material on record in this behalf consents that

letter dated 12-06-2013 can be set aside and matter remitted back to the official liquidator for consideration afresh in accordance with law.

Sri P.V.Markandeyulu counsel appearing for respondents 2 and 3 requests the court to direct the official liquidator to consider the issue of fact and law in right perspective and adjudicate upon the objections raised by the parties.

This court is of the view that official liquidator discharges duty under the Companies Act and required to act in accordance with law. It is made clear that by placing on record the consent given by the official liquidator, the matter is sent back and this court is not expressing any view of the merits of the matter.

Accordingly, the applications are allowed and remanded as indicated above.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 08-06-2016
Prv

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