THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE MS. JUSTICE J. UMA DEVI

ORIGINAL SIDE APPEAL No.19 of 2017

JUDGMENT: **(per SK, J)**

This Original Side Appeal under Clause 15 of the Letters Patent read with Section 483 of the Companies Act, 1956 (for short, 'the Act of 1956'), arises out of the order dated 13.10.2016 passed by the learned Company Judge in Company Petition No.206 of 2011.

The appellant is the respondent Company therein. The Company Petition was filed under Sections 433(e)(f), 434(1)(A) and 439 of the Act of 1956, seeking winding up of the appellant Company on the ground that it was unable to pay its debts. By the order under appeal, the learned Company Judge took note of the settlement arrived at between the parties and observed that no purpose would be served by keeping the Company Petition pending and accordingly closed it. In the light of the compromise arrived at between the parties, the learned Company Judge directed that the amount which was deposited with the Registry of this Court vide Demand Draft No.270826 dated 11.09.2015 should be made over to the appellant Company. The Registry was accordingly directed to issue a crossed cheque for a sum of Rs.20,00,000/- in its favour after obtaining proper acknowledgment.

Sri C. Raghu, learned counsel for the appellant Company, would submit that the amount deposited with the Registry was invested in an interest bearing fixed deposit in a nationalized bank but the interest amount was not directed to be paid to the appellant Company. He would therefore submit that the interest which accrued on the principal amount deposited with the Registry by the appellant Company should also be made over to it.

Sri P. Ramulu, learned counsel representing Sri P. Srinivas, learned counsel for the respondent herein, the Company petitioner, would submit that he has no objection.

In that view of the matter, the appeal is allowed directing the Registry to issue another crossed cheque in favour of the appellant Company in relation to the interest accrued on the principal amount deposited with it by the appellant Company which was invested in an interest bearing fixed deposit. This exercise shall be completed within two weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

28th DECEMBER, 2017.

MS. J. UMA DEVI, J

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