

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

COMPANY APPLICATION No.734 of 2017

in

COMPANY PETITION No.142 of 2002

ORDER:

This application is filed by the Official Liquidator seeking the following reliefs:

“i. permit the Official Liquidator to declare and disburse final dividend @ 0.141203 paise in a rupee an amount of Rs.2,80,824/- to IFCI Secured Creditor against the admitted secured debt.

ii. Permit the Official Liquidator to pay the final dividend from the P.D. account of the Official Liquidator without opening a separate dividend account as the final dividend now payable is only to IFCI secured creditor of the company (in liqn.)

iii. permit the Official Liquidator to dispense with the publication of notice of dividend in newspapers.

iv. permit the Official Liquidator to send notice of dividend in Form No.138 along with receipt to IFCI creditor of the company (In Liqn).

v. permit the Official Liquidator to fix the schedule for making payment and permit to take necessary steps for disbursement of final dividend.

vi. order that the costs of this application do come out of the Estate of the Company (in Liqn.)”.

2. By order dt.18-12-2003 in C.P.No.142 of 2002, this Court directed winding up of M/s.Nagarjuna Electric Generating Company Ltd. and appointed the Official Liquidator attached to this Court as it's Liquidator.

3. By order dt.03-03-2016 made in C.A.Nos.248 and 249 of 2016, this Court had taken a list of creditors of the company in liquidation on record and pursuant to the directions of this Court, the Official Liquidator declared and disbursed dividend of Rs.40,17,608/- to IFCI, a secured creditor and Rs.18,960/- to Indian Oil Corporation Company Limited towards reimbursement of advertisement charges.

4. The Official Liquidator states that as on 31-07-2017, only a sum of Rs.2,85,824/- is available to the credit of the company in liquidation, out of which it is proposed to retain a sum of Rs.5,000/- for meeting the Central Government fee and liquidation expenses. He prays that the balance of Rs.2,80,824/- be permitted to be disbursed to the IFCI, which is the secured creditor of the company in liquidation. Therefore, he has filed this application.

5. Having regard to the fact that the said sum is available for declaration and disbursement of dividend, permission is accorded to the Official Liquidator to declare and disburse the final dividend of Rs.2,80,824/- to IFCI. The Official Liquidator shall open a separate dividend account as per Section 555 of the Companies Act, 1956 and shall remit the dividend payable to the IFCI from the said account. He is also permitted to dispense with the publication of notice in news papers since it would entail considerable expenditure. He is permitted to send notice of

dividend in Form No.138 along with receipt to the IFCI and to take all necessary steps for disbursement of final dividend. He is also permitted to meet the costs of this application from out of the estate of the company in liquidation.

6. This application is allowed accordingly.

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-08-2017

Vsv

