

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

Company Application No.772 of 2017 in R.C.C.No.9 of 1999

ORDER:

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

“i) permit the Official Liquidator to declare a dividend @ 1.894% to Kotak Mahindra Bank Limited & IFCI Limited were secured creditors amounting to Rs.14,28,118-43 ps & Rs.17,03,033-57 ps respectively, the details of the said creditors furnished separately in Annexure ‘D’.

ii) authorize the Official Liquidator to dispense with opening a separate dividend account in Pubjab National Bank and pay the declared dividend to eligible creditors out of the P/D account, to the reasons stated in para-6 of the affidavit.

iii) dispense with the publication of notice of dividend in newspapers to the reasons stated in para-6 of the affidavit.

iv) authorize the Official Liquidator to send individual notices of dividend in Form No.138 along with proforma of receipt.

v) authorize the Official Liquidator to fix the schedule for making payment.

vi) authorize the Official Liquidator to transfer the un-paid dividend, if any, remaining in the dividend account, after the expiry of 6 (six) months period to Companies Liquidation Account, in terms of Section 555 of the Companies Act, 1956, and

vii) authorize the Official Liquidator to take all necessary actions and steps which are incidental to declaration and payment of dividend and to effectively implement the orders of this Court in that regard.”

2. M/s.Remu Pipes Limited was wound up by order dt.14-06-1999 passed by this Court in R.C.C.No.9 of 1999. Its assets were sold and certain amounts were recovered. By order dt.23-08-2010 made in C.A.No.665 of 2010, this Court directed the Official Liquidator to invite the claims from the creditors of the Company in liquidation. Advertisement was published in Form No.63 in Deccan Chronicle and Andhra Jyothi, daily newspapers on 30-09-2010 fixing the last date for receipt of claims as 25-10-2010.

3. Six claims were received including claims from two secured creditors. These were adjudicated and notices in Form No.69/70 were issued. Out of the six claims, claims of Kotak Mahindra Bank limited and IFCI Limited claims were admitted under secured category. The claim of ESI Corporation and Commercial Taxes Department were admitted under preferential category. The claim of APCPDCL and workmen were rejected. By order dt.13-09-2006 in C.A.No.516 of 2006 in C.P.No.21 of 2002, this Court permitted the Official Liquidator to disburse the interim payment to IFCI & Kotak Mahinda Bank Limited, which was accordingly paid.

4. The Official Liquidator states that a sum of Rs.31,63,365/- is available to the credit of the company in liquidation, out of which, Rs.32,213/- is to be kept aside towards initial expenses and towards Central Government Fee and future expenses and the balance of Rs.31,31,152/- can be utilized for declaring and making

payment of dividend. He is proposing payment of dividend at 1.894% to the two secured creditors.

5. The Official Liquidator is accordingly permitted to declare the said dividend and pay the same to the secured creditors as proposed. He is also authorized to open a separate dividend account in Punjab National Bank for the said purpose. Publication of the notice of dividend in newspapers is dispensed with since it is expensive. He is authorized to send individual notices of dividend in Form No.138 along with proforma of receipt.

6. Accordingly, the application is allowed as above. No costs.

JUSTICE M.S.RAMACHANDRA RAO

Date: 31-08-2017
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