

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

COMPANY APPLICATION No. 503 OF 2017

IN

COMPANY PETITION No. 44 OF 2000

ORDER:

This Application has been taken out by the Official Liquidator under Sections 457(1) (e) and 460(4) of the Companies Act, 1956 (for short, 'the Act') read with Rules 9, 275 and 276 of the Companies (Court) Rules, 1959 seeking to:

- i. declare second dividend @ 2.1530% to Bank of India a lone secured creditor of the company towards its admitted secured debt amounting to Rs.5,26,458/- as detailed in the statement marked as Annexure-B;
- ii. permit the Official Liquidator to pay the dividend from the P/D account of the company in liquidation since the dividend to be declared is in respect of the sole secured creditor of the company.
- iii. dispense with the publication of notice of dividend in newspapers as the same is in respect of only one creditor;
- iv. authorize the Official Liquidator to send notice of dividend in Form No. 138;
- v. authorize the Official Liquidator to fix three months time to make payment of the declared dividend;
- vi. 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 Hon'ble Court in that regard;
- vii. order that the costs of this Application do come out of the funds of the Company (in liqn.)

By an order dated 02.02.2001 made in Company Petition No. 44 of 2000, this Court directed winding up of M/s S.S.P. Polymer Industries Limited, company in liquidation and appointed the Official Liquidator attached to this Court as its liquidator.

It is stated in the affidavit filed by the Official Liquidator that as per the order dated 25.03.2009 made in Company Application No. 219 of 2009, a dividend @ 16.402436% was declared and the

same amounting to Rs.46,61,080.36 Ps. was paid to the secured creditor on 26.03.2009. After completing all formalities, now, the Official Liquidator is left with a sum of Rs. 5,26,458/- and hence, he intends to declare the second dividend to the lone secured creditor @ 2.1530%. He also requests to dispense with the publication of notice of dividend in newspapers as the same is in respect of only one creditor.

In view of the averments made in the affidavit, since it is the only secured creditor, the publication of notice of dividend is dispensed with and the Official Liquidator is permitted to declare the second dividend.

The Company Application is accordingly, allowed.

06th July 2017

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CHALLA KODANDA RAM, J

