HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Company Application Nos.858 & 859 OF 2017
In
Company Petition No.113 of 2002

COMMON ORDER:

Company Application No.858 of 2017

This Company Application is filed by the Official Liquidator under Section 457 (1) (e) and 460 (4) of the Companies Act, 1956 and r/w Rules 9, 11, 167 of the Companies (Court) Rules, 1959 to take the Certificate in Form No.71 filed as Annexure-A in respect of M/s.Merebanc Financial Services Ltd., in liquidation relating to the claims of creditors of the company; to direct the Registrar to notify the said Form No.71 on the notice board of this Court in terms of Rule 169 of the Rules, 1959 and also to order the costs of this application.

Company Application No.859 of 2017

This Company Application is filed by the Official Liquidator under Section 457 (1) (e) and 460 (4) of the Companies Act, 1956 and r/w Rules 9, 11, 167, 275, 276 & 290 of the Companies (Court) Rules, 1959 to permit the Official Liquidator to declare dividend @ 100% to the secured and preferential creditors of their admitted amounts which works out to a sum of Rs.6,76,516/-; to permit the Official Liquidator to declare dividend @ 37.27 paise in a rupee to unsecured creditors of their admitted amounts which works out to a sum of Rs.89,42,261/-; to authorize the Official Liquidator to open a separate dividend account in Punjab National Bank and pay the dividend to unsecured creditors out of the said account in terms of Rule 290 of the Companies (Court) Rules, 1959; to dispense with the publication of notice of declaration of dividend in news papers; to authorize the Official Liquidator to send individual notices of dividend in Form No.138; to authorize the official Liquidator to fix the schedule for making payment; to authorize the Official Liquidator to transfer the un-paid dividend, if any, remaining in the dividend account, after expiry of six months to Companies Liquidation Account, in terms of Section 555 of the Companies Act, 1956; to authorize the Official Liquidator to pay the dividend due to any deceased creditor to his legal heirs upon production of such legal heirs, a family member certificate or such other certificate instead of producing succession certificate and also upon furnishing personal indemnity, in terms of Rule 280 of the Companies (Court) Rules, 1959 (for short 'the Rules of 1959') and also to permit the Official Liquidator to incur incidental charges from and out of the available funds of the Company in liquidation.

That M/s.Merbanc Financial Services Limited (In Liquidation) has been ordered to be wound up under the orders of this Court dated 06.03.2003 and the Official Liquidator (OL) attached to the Court has been appointed as the Liquidator of the Company under the provisions of Section 449 of the Companies Act, 1959 (for short 'the Act of 1959'); that the company's registered and branch officers were situated at Hyderabad and Vijayawada and same have been taken by the OL. Thereafter, the OL realized the amount from the sale of movables, shares/bonds, decreetal amount, interest on FDR etc and that at present an amount of Rs.96,80,033.49 ps is lying to the credit of the company in liquidation after meeting the liquidation expenses; that the claims were invited from the creditors of the company pursuant to the orders of this Court dated 28.06.2016 made in Company Application No.1765/2015 by publishing a notice in Indian Express and Andhra Jyothi on 05.09.2016 and fixing 14.10.2016 as last date for submitting claims. In response to the said notice, 37 claims were received and out of which 36 claims were admitted and one claim was rejected. The OL received orders from this Court to consider the claim of Canara Bank filed after the last date fixed for receipt of claims vide orders dated 17.01.2017 made in C.A.No.3/2017. the OL had taken up the adjudication of claims and issued orders to the effect admitting/rejecting the proof of debt in Form No.69/70 to the creditors/depositors of the Company in liquidation; that as per Rule 167 of the Rules of 1959, the OL has to file a certificate in Form No.71 together with proof of claim and memorandum of admission/rejection of claim within three months from the date fixed for submission of proofs. As per Rule 169, upon filing of the Certificate in Form No.71, the Registrar shall notify the filing thereof on the notice board, along with the certificate and the list of creditors as settled thereto; that as on today a sum of Rs.96,80,033.49 ps is available to the credit of the company in liquidation out of which provision of Rs.61,256.49 ps has been made towards Central Government Fee, Audit expenses, Liquidation expenses etc., leaving the balance amount of Rs.96,18,777/- to be utilized for declaration of dividend. That the unsecured creditors had filed their individual claims and their claims were adjudicated and respective Form No.69/70 issued, as such, the publication of notice of dividend in newspapers as required under Rule 276 be dispensed with.

I have heard Sri M.Anil Kumar, learned Standing Counsel for Official Liquidator.

In view of above facts and circumstances, these Applications are ordered.

A.RAJASHEKER REDDY,J

29-11-2017
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

<u>Company Application Nos.858 & 859 OF 2017</u>
<u>In</u>
<u>Company Petition No.113 of 2002</u>

Date: 29.11.2017

kvs