

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

COMP.No.922 of 2017

in

C.P.No. 42 of 1997

ORDER :

This Company Application is filed for an order to-

- i. permit the Official Liquidator to declare and disburse further dividend @ 0.20037161% against the admitted secured debt to the two secured creditors of the Company (in liqn.) viz., State Bank of India for Rs.96,199/- and National horticulture Board for Rs.23,801/- aggregating to a total amount of Rs.1,20,000/- as details in para-5.
- ii. Authorize Official Liquidator to open a separate dividend account in Punjab National Bank and pay the dividend to the creditors out of the said amount, in terms of Rule 290 of the Companies (Court) Rules, 1959.
- 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 the proposed creditors.
- v. Authorize the official liquidator to fix the schedule for making payment and permit him to take necessary steps for disbursement of proposed dividend.
- vi. Order that the costs of this application do come out of the Estate of the Company (In liqn.).

2. This Court, by Order dated 16.12.1999 in Company Petition No.42 of 1997, directed the winding up of the applicant company and appointed the Official Liquidator as its Liquidator and the Official Liquidator has taken possession of the available assets of the Company (in Liqn.) and as per the subsequent directions of this Court dated 28.03.2003 in C.A.No.488 of 2003, sold the assets of the company and realized an amount of Rs.1,04,60,100/-.

3. In the affidavit, the Official Liquidator submits that pursuant to the orders passed by this Court from time to time, an amount of Rs.1,11,50,447.13 was declared and disbursed and that as on date, an amount of Rs.1,26,705.64 is available to the credit of the company (in Liqn.) and it can be utilized for declaration and disbursement of further dividend, after retaining a sum of Rs.6,705.64 for meeting the Central Government fee, etc. Therefore, it is submitted that a sum of Rs.1,20,000/- is available for declaring and disbursement of dividend @ 0.20037161% .

4. The official liquidator further submitted that in order to disburse dividend, as per Section 555 of the Companies Act, 1956, a separate Dividend account shall be opened.

5. Having regard to the facts stated in the application and having heard Mr.M.Anil Kumar, learned counsel for Official Liquidator, this application deserves to be allowed.

6. Accordingly, the Company Application is allowed.

(A.RAJASHEKER REDDY, J)

06.12.2017

msb