**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**COMPANY APPLICATION No.249 OF 2018**
**IN**
**COMPANY PETITION No.59 of 1996**

**O R D E R** :

While allowing Company Application No.866 of 2017, on 29.11.2017, having noted that the process of liquidation of assets has been completed in all respects, and that though there is a claim for Rs.57,400/- towards unsecured creditors in respect of 40 members, no claims were made before the Official Liquidator and approving that the amount available to the credit of the company in liquidation can be utilised for return of contributories of the company in liquidation, this Court directed finalisation of list of contributories after following the procedure prescribed.

In the present Company Application, the Official Liquidator enclosed Form-76, the provisional list of contributories, duly setting out the amount that would be payable. There are 34 contributories and the total amount that would be payable to the contributories in terms of the workings which has been made would be a sum of Rs.2,45,28,750/- and the Official Liquidator had proposed a sum of Rs.77.50 ps., against each share of Rs.10/- each.

This court had ordered, on 27.04.2018, to get the auditor certificate to the effect that there are no claimants in terms of the balance sheet and books of account, as available, pursuant to which, M/s. T. Badrinath and Associates was entrusted with the job of verification of the books, who, in turn, had verified the accounts and submitted its report on 04.07.2018. As per the report, there is an amount of accrued expenses (Audit Fee) of Rs.3,000/- and other liabilities (Share Cropper Units) of

Rs.57,400/-. He has also claimed a fee of Rs.9,500/- with applicable G.S.T. at 18%.

In the light of the report of the auditor and there being no dispute at this point of time with respect to the amount available and further liabilities to be taken care of, the Application deserves to be allowed, however, with the modification that the Official Liquidator shall retain a sum of Rs.57,400/-, which is reflected as dues to be paid to 40 unsecured creditors, in addition to the audit fee of Rs.9,500/- payable to the auditor Sri T.Badrinath and associates and the agreed unpaid audit fee of Rs.3,000/- earlier. After retaining the amount, the balance available amount shall be reworked out per share and be paid to the contributories. The Official Liquidator also shall pay all the unsecured creditors, through demand drafts drawn in their favour after deducting the bank charges, if any, apart from paying pending audit fee as well as the audit fees claimed by M/s. T. Badrinath and Associates and thereafter, take necessary steps after disbursal to enable the completion of the liquidation proceedings.

Accordingly, the Company Application is ordered.

**CHALLA KODANDA RAM, J**

Date:18.07.2018

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