

Comp.A.Nos.88 of 2019
in C.P.No.163 of 2003

P.T.ASHA, J.

The above application is filed by the applicant seeking to condone the delay of 3854 days in filing the Form-66 before the Official Liquidator, High Court, Madras.

2. In the affidavit, which is filed in support of the above application, it is stated that the applicant, who is the petitioner in C.P.No.163 of 2003, was ordered to be wound up on 24.12.2010 and the Committee of Management was appointed by the High Court of Karnataka to manage the affairs of wound up Company by order dated 08.08.2001 in C.O.P.No.2 of 2000. The deponent, who is the Official Liquidator attached to the High of Karnataka, would submit that since he was in-charge of over 258 companies under liquidation, on account of work pressure, he was unable to attend to the filing of Form-66. The Official Liquidator would also submit that he was under the impression that a formal claim petition was not required to be filed before the Official Liquidator. It was only when he had received a letter from the Deputy Official Liquidator on 31.12.2018 to avoid the possibility of the claim petition of the applicant from being rejected, the above application has been filed.

3. The reasons which have been given in the affidavit filed in support of the petition have not inspired the confidence of this Court, in view of the fact that the applicant, who himself is an Official Liquidator should be aware of the nuances with reference to the winding up and the procedure thereafter. The plea of the applicant that he was not aware of filing of a formal claim petition is rather strange.

4. A perusal of the original company petition that has been filed would indicate that the same was filed to recover the amounts due under two hire purchase agreements, When default was committed, the applicant-Company has not taken any steps whatsoever to re-possess the machinery based on the right which is available to them under the agreements. Instead of trying to mitigate the loss, the applicant had initiated winding up proceedings and he has not taken any steps thereafter to follow up the matter. The counsel for the respondent would submit that the Company under liquidation has settled all their other creditors.

5. I do not find any sufficient cause for condonation of the inordinate delay of 3854 days. Accordingly, the application stands dismissed. No costs

20.12.2019

srn



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