Comp.A.No.407 of 2019
in
C.P.No.60 of 1997

SENTHILKUMAR RAMAMOORTHY,J.

This application is filed to declare and disburse dividend at 64 paise in a rupee to 5 claimants and to permit the Official Liquidator to declare and disburse a final dividend at 9 paise in a rupee on the admitted amount to 5089 claimants who have previously received dividend at 55 paise in a rupee by way of two earlier installments and for ancillary orders in this regard.

2.I heard the Deputy Official Liquidator. The Deputy Official Liquidator pointed out that the aggregate funds available to the credit of the company in liquidation as on 28.08.2019 is a sum of Rs.2,23,69,795.86, out of which a sum of Rs.1,18,72,434/- is liable to be transferred to the Registrar of Companies, Chennai as per Section 555 of the Companies Act,1956 and, therefore, the net amount available is Rs.1,04,97,361.86. He further submits that on two previous occasions, the Official Liquidator was permitted to declare and disburse dividend to 5089 claimants. The said dividend was declared and disbursed at 35 paise in a rupee in the first instance and at 20 paise in a rupee in the second instance thereby aggregating to a combined dividend of 55 paise in a rupee as regards the said 5089 claimants. Pursuant to the directions of this Court with regard to the disbursement to the said 5089 depositors, the sum of Rs.2,60,41,402/- was disbursed to 3384 depositors. The unclaimed and unpaid dividend aggregating a sum of Rs.1,18,72,434/-, which was payable to 1075 depositors, is in the process of being transferred to the Registrar of Companies, Chennai as per Section 555 of the Companies Act,1956. Therefore, the Deputy Official Liquidator submits that the balance and final dividend of 9% is liable to be paid to the said 5089 claimants and that this amounts to a sum of Rs.97,49,308/-. In addition, he submits that 5 other claims were adjudicated and the admitted claim is for a sum of Rs.3,25,000/- and that it is proposed to declare and disburse the dividend of 64 paise in a rupee to these five persons who did not receive dividend earlier and that the amount payable, on that basis is Rs.2,08,000/-. Therefore, the Deputy Official Liquidator requests that this application may be allowed. He has also filed a report dated 25.10.2019, wherein the above details and relevant particulars are set out.

3.The submissions of the learned Deputy Official Liquidator and the report dated 25.10.2019 which was filed in support of the present application were examined.

4.Upon consideration there of, it is evident that a net sum of Rs.1,04,97,361.86 is available to the credit of the company in liquidation as on 28.08.2019. It is also clear that dividend aggregating to 55 paise in a rupee was already disbursed to 5089 claimants. Therefore, in view of the fact that the aggregate final dividend is 64 paise in a rupee, the remaining 9 paise in a rupee is liable to be paid to the said 5089 claimants. In addition, the Official Liquidator pointed out that 5 further claims were adjudicated subsequently, the admitted amount is Rs.3,25,000/- and, at the rate of 64 paise in a rupee, the amount payable to the said 5 claimants is a sum of Rs.2,08,000/-. Therefore, the application filed by the Official Liquidator is liable to be allowed. Hence, the following directions are issued:

(i)The Official Liquidator is permitted to declare and disburse dividend at 64 paise in a rupee on the admitted amount of Rs.3,25,000/- to the 5 claimants set out in paragraph 7 of the first supplementary list annexed to the report.

(ii)The Official Liquidator is permitted to declare and disburse a final dividend at 9 paise in a rupee on the admitted amount to 5089 claimants aggregating to a sum of Rs.97,49,308/-.

(iii)The Official Liquidator is permitted to open a separate dividend account with Punjab National Bank, NSC Bose Road, Chennai for deposit of a sum of Rs.99,57,308/- and to keep the said account open for a period of six months.

(iv)The Official Liquidator is permitted to remit the unclaimed amount, if any, to the Registrar of Companies, Chennai as required under Section 555 (1) and (3) of the Companies Act,1956, on expiry of 6 months from the date of opening of the dividend account.

(v)The Official Liquidator is permitted to dispense with issuing individual dividend notices in Form 138 to the 5089 claimants and to instead transfer the amount due to such persons to their Bank accounts as per the details available with the Official Liquidator.

(vi)The Official Liquidator is permitted to issue individual dividend notices in Form 138 to the 5 claimants who are receiving dividend for the first time and to thereafter disburse the dividend to the said process.

(vii)The Official Liquidator is permitted to incur expenses for publication of notice of declaration of dividend and other incidental expenses from and out of the funds of the company in liquidation.

5.This Application is disposed of on the above terms.

15.11.2019

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