

Company Application Nos.609 & 610 of 2018 in
Company Petition No.141 of 1999

N.SATHISH KUMAR, J.

These applications have been filed to initiate necessary proceedings against KSEB for recovery of amounts due to the company in liquidation on behalf of the Official Liquidator.

2. The petitioner has Originally filed a Writ Appeal in W.A.No.1203 of 2014. The Division Bench of this Court, while disposing the Writ Appeal has held as follows :

“15. The Company has to be represented in a proceeding only by the Official Liquidator appointed by the Company Court. The reliefs sought for is challenging Exts.P9 and P10 Orders passed cancelling the contract. The Official Liquidator or any other person can file the above proceedings with leave of the Company Court only. Under such circumstances, we are of the view that the very initiation of the Writ Petition is without locus and writ petition is liable to be dismissed on that ground alone.”

3. The above Order makes it clear that an Official Liquidator has to be appointed and the company has to be represented by the Official Liquidator. The Official Liquidator has been appointed and he has also filed a report

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before this Court. The report of the Official Liquidator makes it clear that the applicant is one among the creditor of the subject company whose claim was re-adjudicated to the extent of Rs.11,81,50,595/- as an ordinary claim against the company in liquidation for the civil works carried out on behalf of the liquidation company. The Official Liquidator also submitted that the work has been carried out by the petitioner and the amount is also due.

4. In such view of the matter, the petitioner is permitted to take appropriate legal action to realize the money due from KSEB to the company in liquidation. These petitions are Ordered accordingly.

28.06.2019

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