

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

COMPANY APPLICATION No.1053 of 2013

ORDER:

This Company Application is filed by the Official Liquidator praying to grant the following reliefs:

- (i) declare that the respondents herein are guilty for misappropriation of funds of the company, hence the respondents herein became liable and accountable for an amount of Rs.25,96,225/- as per the Report of the Chartered Accountant to be due to the company along with interest at 18% per annum from the date of order of Winding Up i.e., 15.10.2008 to till the date of realization.
- (ii) permit the Official Liquidator to file material papers / list of documents, if any, in due course of the proceedings of the case if so required.
- (iii) direct the respondents to pay the cost of this application and litigation, and pass such other order or orders as this Hon' ble Court may deem fit and proper in the circumstances of the case.

As per the application filed by the Official Liquidator, pursuant to the orders of this Court dated 17.12.2012, M/s Vijaya Bhaskar & Co., Chartered Accountants, was appointed to verify the books of the company in liquidation, who submitted a report to the effect that on verification of receipts and payments, there is a difference of Rs.25,96,225/- and to that extent the respondents are liable to be proceeded for recovery of the said amount with interest.

A counter affidavit is filed by the 2nd respondent-Dasari Kamalnath. Though the counter affidavit is filed disputing the Auditor's report, as can be seen from the Docket proceedings dated 07.04.2014, the respondent-accused was present before the Court and represented through their counsel who submitted that apart from handing over of the title deeds pertaining to

the house property standing in the name of the husband of the first accused, they had also given 'No Objection' for selling the property and adjusting the sale proceeds against the amounts alleged to have been misappropriated by the husband of the accused. Thereafter, pursuant to the permission granted by this Court, the house property bearing Flat No.M-4, admeasuring 777 SFT together with undivided share of 14.30 square yards situated at H.No.1-8-526, Jatkar Bhavan, Chikkadpally, Hyderabad, was put to auction and the property fetched a sum of Rs.24,50,000/-. Subsequent to the auction, the property was registered in the name of auction purchaser Mr.Sameer Ullah Khan, H.No.10-1-963/64, A.C. Guards, Khairatabad, Hyderabad – 500004, and the sale in favour of the auction purchaser stood confirmed by this Court pursuant to the orders in C.A.No.250 of 2018.

Admittedly, inasmuch as there being no other assets available with Mr.D.Subramaniam who was the person alleged to have misappropriated the funds of the company in liquidation, and there being no possibility of recovering any further amounts, in the facts of the present case, the company application is closed, with a direction to the Official Liquidator to take necessary steps to complete the liquidation process expeditiously.

No costs. Miscellaneous petitions, if any pending, shall also stand closed.

JUSTI CE CHALLA KODANDA RAM

23rd July, 2019
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