



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORIGINAL JURISDICTION)

FRIDAY, THE 06th DAY OF NOVEMBER, 2020

THE HON'BLE MR.JUSTICE M.SUNDAR

COMP.APPLN.NO.211 OF 2020

AND

COMP.PETN.NO.57 OF 1998

In the matter of Companies Act,
1956

And

In the matter of M/s. Maxworth
Orchards India Limited
(In Liquidation)

C.P.No.57/1998:

EPC Industries Limited
(Formerly EPC Irrigation Limited)
401, Kakad Chambers,
132, Dr.Anne Besant Road,
Worli, Mumbai – 400 018.

.. Petitioner

Vs.

M/s.Maxworth Orchards (India) Limited,
Karumuthu Centre,
7th Floor, No.498, Anna Salai,
Nandanam, Chennai – 600 035.

.. Respondent

COMP.A.No.211/2020:

1. The Official Liquidator,
High Court, Madras, as the
provisional liquidator of
M/s.Maxworth Orchards (India) Limited
(in provisional liquidation)



2. Sri.K.Alagiriswamy,
Senior Advocate as the
Administrator of
M/s.Maxworth Orchards (India) Limited
(in provisional liquidation)

.. Applicants

This Company Application prays that this Hon'ble Court be pleased to:

- (a) To take this report on record.
- (b) The list of creditors filed in Form No.71 by the Official Liquidator be taken on record.
- (c) The Official Liquidator may be permitted to declare and pay dividend @ 100 paise in a rupee on the admitted amount of Rs.43,41,010/- to the list of creditors filed along with this report before the Hon'ble court.
- (d) To permit the Official Liquidator to dispense with the requirement of succession certificate under Rule 286 of the Companies (Court) Rules, 1959 and to make payment to the Legal heirs on production of Death Certificate, Legal heir Certificate and No Objection Certificate in case the depositor/claimant is deceased.
- (e) To permit the Official Liquidator to dispense with paper publication for declaration of dividend as required under Rule 276 of the Companies (Court) Rules 1956.
- (f) To permit the Official Liquidator to open dividend account with Punjab National Bank, NSC Bose Road, Madras for a total amount of Rs.43,41,010/- to make the payment to 53 claimants as mentioned in Form No.71.
- (g) To permit the Official Liquidator to keep open the dividend account for six months from the date of opening the dividend account and after expiry of the stipulated period the unpaid amount may be



transferred to the Government account as required U/s 555(1) and (3) of the Companies Act, 1956 and read with Rule 335 of the Companies (Court) Rules 1959.

(h) To permit the Official Liquidator to defray the expenses related to the declaration of dividend from the funds of the company in liquidation.

This Company Application coming on this day before this court for hearing in the presence of Mr.Bavi Shetty Sridhar, Deputy Official Liquidator, High Court, Madras for the applicant herein, Mr.Karthik Seshadri for Administrator respondent herein and upon reading the Judges Summons and the report of the Official Liquidator filed herein,

The Court made the following order:-

'Mr.Bavishetty Sridhar, learned Deputy Official Liquidator who is before this Company Court on behalf of the Official Liquidator attached to this Court (applicant in captioned company application) draws the attention of this Court to a Memo filed by the Official Liquidator being Memo dated 06.11.2020, which reads as follows:

'MEMO OF THE OFFICIAL LIQUIDATOR

The Official Liquidator attached to this Hon'ble High Court, Madras as the Provisional Liquidator of M/s.Maxworth Orchards (India) Limited humbly submits the report as follows:

- 1. That by an order dated 17.09.2010 made in Company Application No.884 to 886*



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of 2008 in Company Petition No.57 of 1998 this Hon'ble Court appointed the Official Liquidator attached to the Hon'ble High Court, Madras as the Provisional Liquidator of M/s.Maxworth Orchards (India) Limited with directions to take charge of the assets of the company in Provisional Liquidation.

2. The Official Liquidator may be permitted to withdraw the subject application with a liberty to file fresh application with same relief as some error have been crept inadvertently in respect of adjudication of claims.

3. The above memo please be taken on record and pass appropriate order as may be deem fit and proper in the circumstances of the case.'

2. The contents of aforementioned Memo are reiterated by learned Deputy Official Liquidator in the hearing today. Therefore, captioned company application is being dismissed as withdrawn albeit preserving rights of the Official Liquidator to file a fresh application for the same relief as an inadvertent error had crept in qua captioned company application.



3. *Captioned Company Application is dismissed as withdrawn preserving rights of the applicant in the aforesaid manner, however, there shall be no order as to costs.*

WITNESS, THE HON'BLE THIRU.JUSTICE AMRESHWAR PRATAP SAHI, THE CHIEF JUSTICE OF MADRAS HIGH COURT, AS AFORESAID THIS THE 06th DAY OF NOVEMBER, 2020.

Sd/-

JOINT REGISTRAR(O.S)

//CERTIFIED TO BE A TRUE COPY//

DATED THIS THE DAY OF 2021.

COURT OFFICER.

From 25th September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decree in this format.



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COMP.APPLN.NO.211 OF 2020
IN
COMP.PETN.NO.57 OF 1998

ORDER DATED:06.11.2020

THE HON'BLE MR.JUSTICE
M.SUNDAR

FOR APPROVAL ON:08/09/2021

APPROVED ON:08/09/2021

To:

1.The Official Liquidator
High Court,Madras.