

Company Application No.136 of 2020
in
C.P.No.167 of 2001

M.SUNDAR.J.,

In the web-hearing on a video-conferencing platform today, Mr.Rohan Rajasekaran, learned counsel for applicant, Mr.Bavishetty Sridhar, learned Deputy Official Liquidator representing the Official Liquidator attached to this Court and Mr.C.Ramesh, learned counsel, who appeared for original petitioning creditor in the main company petition are before me.

2. Instant application is more in the nature of an appeal as it has been filed assailing rejection of proof of the applicant vide Claim No.5/167/2001. To be noted, applicant in instant application is a claimant qua the company under liquidation.

3. There is also no dispute that the originals could not be produced by the applicant (claimant) and the instant application has now been taken out on the ground that requisite originals were located post rejection order. This is articulated in paragraph 10 of the affidavit filed in support of instant application, which reads as follows:

'10. I submit that the impugned order dated 29.04.2019 passed by the Official Liquidator was received on 02.05.2019. That only in the month of January, 2020, was the Applicant able to locate the letter of acknowledgement dated 20.02.1999. Hence, a delay of 265 days has occurred in preferring the present Application, for which condonation is sought for from this Hon'ble Court.'

4. Mr. Bavishetty Sridhar, learned Deputy Official Liquidator representing the Official Liquidator attached to this Court very fairly submitted that if the claimant, who is the applicant herein, produces the originals, the same will be scrutinized and dealt with on its own merits and in accordance with law.

5. Learned counsel for applicant submits that they are now in a position to submit the requisite originals before the Official Liquidator.

6. Learned counsel for applicant states that the requisite originals will be submitted within one month from today i.e., on or before 17.08.2020. If this is done, the rejection order dated 29.04.2019 will stand set aside and learned Official Liquidator shall scrutinize the claim of the applicant on its

own merits, in accordance with law and do the needful within two months therefrom i.e., on or before 17.10.2020.

7. If the originals are not produced within the aforesaid time frame, the impugned order of rejection will continue to operate.

8. Instant application ordered on above terms. There shall be no order as to costs.

gpa/kmi

17.07.2020

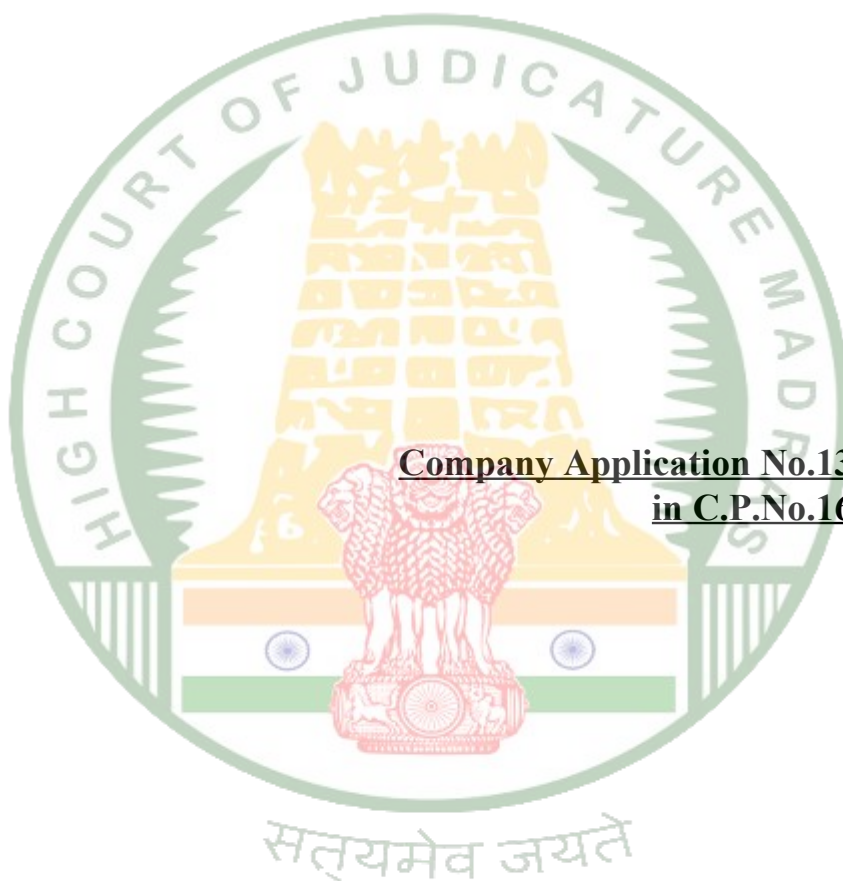


WEB COPY

*Company A.No.136 of 2020 in
C.P.No.167 of 2001*

M.SUNDAR.J.,

gpa/kmi



**Company Application No.136 of 2020
in C.P.No.167 of 2001**

WEB COPY

17.07.2020