

Company Application No.162 of 2020
in
Company Petition No.39 of 1994

M.SUNDAR, J.

Captioned application has been taken out by 'Official Liquidator attached to this Court' (hereinafter 'OL' for the sake of brevity) and 'Deputy Official Liquidator' (hereinafter 'Dy.O.L' for the sake of brevity) Mr.Bavisetty Sridhar on behalf of OL is before this company court in this web hearing on a video conferencing platform.

2 Learned Dy.O.L submits that prayer in the captioned application is a multi limbed prayer. This multi limbed prayer in the captioned application as can be culled out from the judges summons reads as follows:

'a)To kindly take this report on record

b)To permit the Official Liquidator to declare & disburse a further dividend @ 1.85% on the admitted amount of Rs.12,71,88,777/- to 1442 workmen creditors amounting to Rs.23,52,992/-,

c)to permit the Official Liquidator to open a dividend account for a sum of Rs.23,52,992/- with Punjab National Bank, NSC Bose Road, Chennai, exclusively for disbursement to 1442 workmen creditors,

d)To permit the Official Liquidator to keep the dividend account open for a period of six months from the date of opening and to transfer the unpaid amount, if any, to the Registrar of Companies, Tamilnadu, Chennai as required under Section 555 of the Companies Act, 1956,

e)To permit the Official Liquidator to dispense with the publication for declaration of further dividend since only meager fund is available for disbursement to workmen creditors,

f)To permit the Official Liquidator to meet out the incidental expenses and also cost of this application from and out of the funds of the company in liquidation, and

g)To pass such order / orders as this Hon'ble Court may be deem fit and proper in the circumstance of the case.'

3 Learned Dy O.L submits that a 'report of OL dated 19.03.2020' and 'additional report of OL dated 08.09.2020' ('said report' and 'additional report' respectively for the sake of brevity) have been filed in support of the captioned application. Furthering his submissions, learned Dy.O.L submits that paragraphs 3 to 5 of said report are inter-alia most relevant for the multi limbed prayer in the captioned application and these paragraphs read as follows:

'3.That the Official Liquidator submits that in pursuance of the order of this Hon'ble Court dated

17.03.2004 made in Company Application No.179/2004 in C.P.No.39/1994 claims were invited from the creditors by fixing last date for submission of claims as 31.05.2004. The Official Liquidator has adjudicated the claims of 1442 workmen, admitted for a sum of Rs.12,71,88,777/- and filed four List of creditors in Form No.71 on various dates.

4.That the Official Liquidator has filed Company Application No.880/2014 before this Hon'ble Court seeking permission to declare and disburse dividend @ 28% in a rupee to 1442 workmen creditors of the company in liquidation. The Hon'ble High Court, Madras by the order dated 18.12.2014 in C.A.No.880/2014 permitted the Official Liquidator to disburse dividend @ 28% in a rupee to the 1442 workmen creditors. In compliance of the said directions of this Hon'ble Court, the Official Liquidator opened dividend account with Punjab National Bank, NSC Bose Road branch, Chennai for a sum of Rs.3,57,03,069/- and disbursed a total dividend of Rs.3,15,52,574/- to 1262 workmen creditors. Further a sum of Rs.41,50,495/- being the unpaid amount in respect of 180 workmen creditors of the company in liquidation was transferred to ROC, Tamilnadu, Chennai as required under Section 555 of the Companies Act, 1956.

5.That as per the records available a sum of Rs.23,73,598/- is available to the credit of the company in liquidation and the Official Liquidator is of the opinion that

since sufficient funds are available, it is proposed to declare and disburse a further dividend @ 1.85% on the admitted amount of Rs.12,71,88,777/- to 1442 workmen creditors which is calculated and arrived at Rs.23,52,992/-, subject to approval of this Hon'ble Court.'

4 Adverting to aforementioned said report and additional report, learned Dy.O.L submits that if the multi limbed prayer in captioned application is acceded to, the winding up / liquidation process can be carried to its logical end.

5 Be that as it may, having perused aforementioned said report / additional report, having heard the Dy O.L, having been satisfied that acceding to limbs (b) to (f) of the multi limbed prayer would further the process of liquidation / winding up, captioned application is ordered by acceding to prayer limbs (b) to (f). There shall be no order as to costs.

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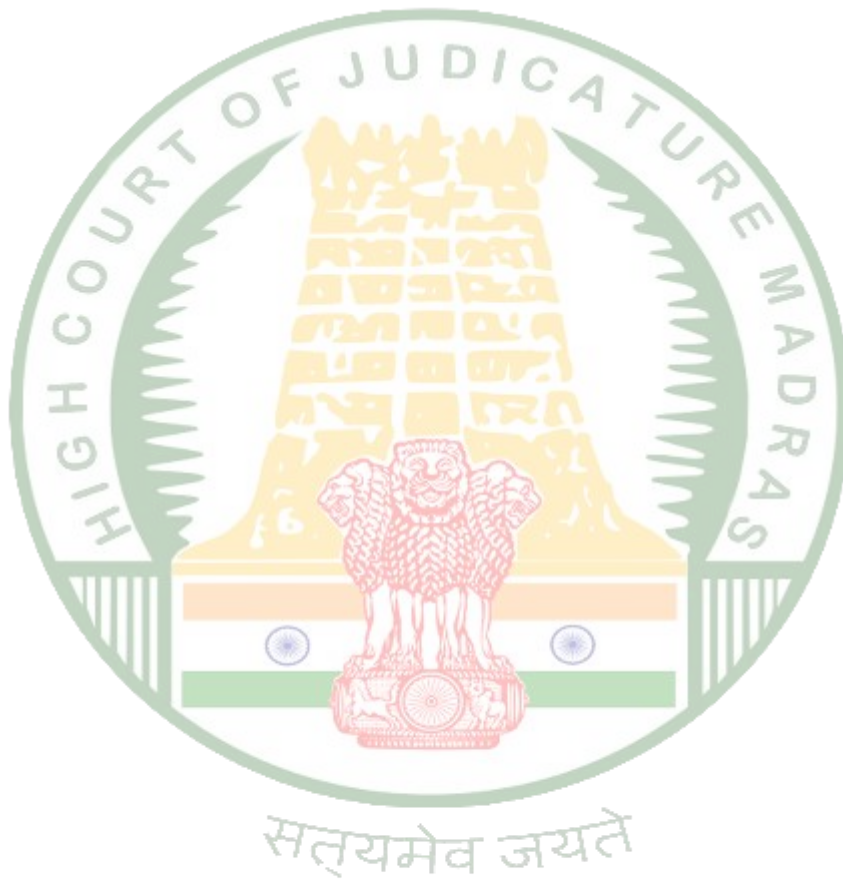
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