

Company Application No.218 of 2020
in
CP No.375 of 2014

M.SUNDAR.J.,

Captioned Company Application has been taken out by a contributory qua 'Everonn Education Limited' (hereinafter referred to as 'said Company' for the sake of convenience and clarity) which is the Company which has gone into liquidation in the aforementioned 'Company Petition No.375 of 2014' (hereinafter main 'CP' for the sake of convenience and clarity), which is at the instance of a petitioning creditor.

2. Captioned company application has been taken out by 'Official Liquidator attached to this Court' (hereinafter 'OL' for the sake of convenience and clarity) and learned 'Deputy Official Liquidator' (hereinafter 'Dy OL' for the sake of brevity) is before this Company Court in this Web hearing on a video conferencing platform on behalf of OL, who is the applicant herein.

3. Learned Dy OL submits that in and by an order dated 29.08.2016 made in main CP, this Company Court appointed OL as Provisional Liquidator qua said Company and further directed OL to take charge of the assets of the said Company. Thereafter the manner in which winding up proceedings unfurled has been captured from paragraph 3 onwards in a 'report of the OL dated 18.06.2020' (hereinafter 'said report' for the sake of clarity), which has been filed in support of the captioned company application.

4. What is of significance is, the ICT-Project was underway when said Company went into liquidation and this Company Court by an order dated 25.10.2016 made in Company Application Nos.924 to 926 of 2016, directed the OL to continue with the ICT-Project. This is captured in paragraph-5 of the said report. Thereafter, another order dated

20.04.2018 was made by this Company Court in Company Application No.801 of 2017 directing the Government of Gujarat to remit a specified sum of Rs.7,54,34,424/- to the OL within a specified period. This Court is now informed that this sum has since been remitted to the OL by the Government of Gujarat after making some deductions, details have been set out in the said report. In this regard, paragraphs 5 to 10 of said report are relevant and the same reads as follows:

'5. That this Hon'ble Court by an order dated 25.10.2016 in C.A.Nos.924 to 926, directed the Official Liquidator to continue the ICT-Project of the company (in provisional Liquidation) at Gujarat and Rajasthan under the supervision of the Official Liquidator/the Project Manager and permitted the Official Liquidator to defray salaries and release moneys towards day to day expenditure incurred on continuation of the said two projects.

6. That pursuant to the said direction of this Hon'ble Court, the Project Manager has engaged the services of co-coordinators/ employees as well as the following service providers to run the ICT Projects at Gujarat and Rajasthan.

a. Precision Infomatic (M) Pvt. Ltd

b. M/s.Apex Electronics and

c. M/s.Bluemax Systems.

7. That the Official Liquidator submits that the Government of Gujarat vide letter dated 03.02.2017 requested the Official Liquidator to extent the project at Gujarat upto February 2017. Accordingly, the project was extended as requested by the Government of Gujarat.

8. That the Project Manager has submitted a letter of request to release the payment to the employees/staff (involved in the project at Gujarat and Rajasthan). The Official Liquidator, after obtaining permission of this Hon'ble Court has made the payments as detailed hereunder:

S.No.	Particulars	Amount paid (in Rs.)	Amount paid towards (in Rs.)	Remarks
1	796 Employees	38,67,818.00	Salary for the month of November 2016	100% paid on 12.01.2017
2	6 Employees	3,42,297.00	Salary for the month of November 2016	100% paid on 24.01.2017
3	645 (School Coordinators)	24,43,723.00	Salary for the month of December 2016	100% paid on 12.09.2017
4	35 (State Project	6,63,730.00	Salary for the	50% paid on

S.No.	Particulars	Amount paid (in Rs.)	Amount paid towards (in Rs.)	Remarks
	Coordinators, Zonal Coordinators, Area Office and Chennai		month of December 2016	12.09.2017
5	Precision Infomatic (M) P Ltd	23,12,065.00	AMC charges (one of the service provider)	Part payment made on 23.12.2016

Due to paucity of funds the Official Liquidator was unable to settle the entire amount due.

9. That this Hon'ble Court by an order dated 20.04.2018 made in C.A.No.801 of 2017 in C.P.No.375 of 2014 directed the Government of Gujarat to remit a sum of Rs.7,54,34,424/-, to the Official Liquidator within a period of four weeks from the date of receipt of the said order. It was further directed that on receipt of the said payment, the Official Liquidator shall file an application for disbursement of the amount.

10. That the Gujarat Government had remitted a sum of Rs.7,43,59,774/-, after deducting a sum of Rs.10,74,650/- out of the total amount of Rs.7,54,34,424/-

on 08.06.2018 towards the pending payments to the persons engaged in connection with ICT project in respect of invoices submitted by the Official Liquidator for quarter-20 i.e., September'2016 to November'2016.'

5. The fund position of the Company and the payments which have to be made to the service providers for the ICT-Project that has been continued has been set out in paragraphs-12 and 13, which read as follows:-

“12. That the Funds Position of the Company as on 05.06.2020 is follows:

Cash	-	Nil
Bank	-	Rs. 43,649.50
Investment	-	Rs.8,31,00,000.00

Total Rs. 8,31,43,649.50

13. That since requisite amount was remitted by the Government of Gujarat, subject to approval of this Hon'ble Court, it is proposed to disburse the amount to

service providers towards AMC charges as detailed below;

<i>Sl.No.</i>	<i>Name of the Agency</i>	<i>Period</i>	<i>Amount claimed (in Rs.)</i>	<i>Amount already paid (in Rs.)</i>	<i>Balance Amount payable (in Rs.)</i>
1	Precision Infomatic (M) Pvt Ltd	27.09.2016 to 26.12.2016	92,48,261	23,12,065	69,36,196
2	M/s.Apex Electronics	July 2016 to Dec 2016	36,23,256	----	36,23,256
3	M/s.Blumax Consultancy	Sep 2016 to Feb 2017	73,79,550	----	73,79,550
				Total	1,79,39,002

6. In the aforesaid backdrop, the captioned company application has been taken out with multi limbed prayers as culled out from judges summons, which read as follows:-

'a) To take this report on record.

b) To permit the Official Liquidator to disburse Rs.1,79,39,002/- (Rupees One Crore Seventy Nine Lakhs Thirty Nine Thousand and Two only) towards AMC charges to Precision Infomatic (M) Pvt Ltd, Apex Electronics and Bluemax Consultancy as

detailed in para 13 of this report,

d) To permit the Official Liquidator to incur the expenses, in connection with such disbursements from and out of the funds of the Company in liquidation, and

e) To pass such order/s as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

(To be noted, learned Dy OL submits that a typographical error has been crept in after prayer limb (b) and next two limbs have been wrongly shown as 'd' and 'e' while it ought to have been shown as 'c' and 'd' respectively).

7. This Court is informed by the learned Dy OL that salaries to the employees who coordinated the ICT-Project to the tune of Rs.88,49,521/-, which was directed to be paid vide orders made in Company Application No.213 of 2020 has since been paid. In this regard, a further report of OL dated 04.11.2020 has been filed and paragraphs-7

and 10 of said report are relevant and the same read as follows:

'7. That the Official Liquidator has filed C.A.No.213 of 2020 before the Hon'ble High Court, Madras for disbursement of salary to the employees who coordinated in the ICT projects as detailed below:

<i>S.No.</i>	<i>Salary for month</i>	<i>No. of Employees</i>	<i>Amount due (in Rs.)</i>	<i>Amount disbursed (in Rs.)</i>	<i>Amount to be disbursed (in Rs.)</i>
1.	December-2016	62	2,26,935	-	2,26,935
2.	December-2016	35	13,27,459	6,63,730	6,63,730
3.	January-2017	738	39,75,976	-	39,75,976
4.	February-2017	738	39,82,881	-	39,82,881
	TOTAL		95,13,251	6,63,730	88,49,521

10. That it is submitted that in compliance of the order of this Hon'ble High Court, Madras dated 25.09.2020 in C.A.No.213 of 2020, the Official Liquidator has already issued

cheque No.170765 dated 15.10.2020 for Rs.88,49,521/- along with details of employees to PNB, NSC Bose Road, Chennai and as per the information provided by the Bank, the amounts were credited to the ex-employees through RTGS.'

8. In the light of the narrative thus far, this Court, having perused said report, having heard learned Dy OL, is satisfied that the multi limbed prayer in the captioned company application deserves to be acceded to as payments are to be made to service providers, who have coordinated the ICT-Project post liquidation also pursuant to orders of this Company Court.

9. Therefore, captioned application is ordered acceding to prayer limbs (b) and the next limb which should have been shown as 'c' but erroneously shown as 'd'. However, there shall be no order as to costs.

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