

Comp.A.No.192 of 2020
in
C.P.No.179 of 2001

M.SUNDAR, J

Read this in conjunction with and in continuation of earlier proceedings dated 11.12.2020.

2. Mr.R.Imayavarman, learned counsel of M/s.Ramalingam and Associates (Law Firm) on behalf of applicant/State Bank of India, adverting to earlier proceedings dated 11.12.2020, submits that a better affidavit has since been filed and the same has now been placed before me.

3. Learned counsel drew the attention of this Court to paragraph No.6 of the better affidavit and submitted that the reason for delay supporting the captioned application which is for 'Condonation of Delay' ['COD'] has been articulated therein. Paragraph No.6 reads as follows:

'6. I state that only in the year 2006, during an informal discussion in one of the lenders meeting, through another creditor, State Bank of India came to know about the winding up order dated 05.12.2001 and the proceedings thereon. Immediately State Bank of India had submitted their claim

before the Respondent herein in Claim Form 66 seeking for recovery of Rs.1,78,46,650.44 as on 30.09.2006 with further interest to the respondent herein. It is pertinent to note that prior to 2006, State Bank of India never knew about the order for winding up and call for claims by the Respondent and the last date of submission.'

4. Ms.K.Latha Parimala Vadana, learned Official Liquidator [hereinafter 'OL' for the sake of convenience, brevity and clarity] very fairly submitted that there is no opposition/objection to COD prayer albeit without admitting or denying the averments in the better affidavit.

5. In the light of this Court having perused the affidavit, having noticed that OL does not oppose or object to COD prayer being acceded to, captioned application is ordered as prayed for. There shall be no order as to costs.

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18.12.2020

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