

Company Application No.221 of 2020
in
CP.No.375 of 2014

M.SUNDAR, J

'Everonn Education Limited' [hereinafter 'said company' for the sake of brevity and clarity] is the company under liquidation in the main Company Petition at the instance of a petitioning creditor.

2. Captioned application has been filed with a prayer to condone the delay of 316 days in filing the affidavit of proof of debt in Form No.66.

3. Mr.Arun Karthik Mohan, learned counsel on record for applicant and Mr.Bavisetty Sridhar, learned 'Deputy Official Liquidator' [hereinafter 'Deputy OL' for the sake of brevity] representing the 'Official Liquidator attached to this Court' [hereinafter 'OL' for the sake of brevity] are before me in this web hearing on a video conferencing platform.

4. Adverting to the affidavit filed in support of captioned application, learned counsel for applicant draws the attention of this Court to paragraphs 5, 6 and 7, which read as follows:

'5. I state that the Applicant has its places of business inter alia at Bengaluru, Gurgaon and Mumbai. I state that by inadvertence, the Applicant missed taking note of the aforesaid

advertisement of the Official Liquidator dated 11.08.2019, calling for claims from the creditors of Everonn Education Limited.

6. I state that during the 3rd week of September, 2019, on instructions, Applicant's advocate inquired with the office of the Official Liquidator regarding the publication of the advertisement calling for claims and it was only during the 4th week of September, 2019 that the Applicant came to know that the advertisement had already been effected and that the last day for submission of claims by Respondent's creditors was 10.09.2019.

7. I state that the Applicant made immediate and sincere efforts to collate all information and documents relevant to this case and the Form No.66 to be submitted on behalf of the Applicant, yet, the Applicant was able to get the Form.66 executed and notarized by the Deponent in Bengaluru only by 16.03.2020. However, in view of the Covid-19 restrictions, which were imposed in the State of Karnataka from 13.03.2020 onwards, the Bengaluru office of the Applicant has been operating remotely and since the courier and other postal services were also unavailable during the initial phases of the nation wide lockdown imposed, the executed and notarized Form No.66 could not be dispatched to the Counsel at Chennai at the time.'

5. Learned counsel submits that the aforementioned paragraphs capture the reason for delay, the manner in which, the applicant gained knowledge and the steps taken thereafter.

6. Be that as it may, what is of significance is, learned Deputy OL representing the OL submits that he has no serious objection or opposition to this application.

7. This Court, having perused the affidavit filed in support of application, having heard learned counsel for applicant, having been satisfied that the prayer in the captioned application deserves to be acceded to, captioned application allowed. There shall be no order as to Costs.

8. Though obvious, it is made clear that Form No.66, which is taken on file by the OL will be dealt with on its own merits and in accordance with law by the OL.

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