

Comp. A.No.199 of 2020
in
C.P.No.57 of 1998

M.SUNDAR.J.,

Captioned Company Application has been taken out by 'Official Liquidator attached to this Court' ('OL' for the sake of brevity) and Mr.Bavisetty Sridhar, learned 'Deputy Official Liquidator' ('Deputy OL' for the sake of brevity) is before me in this web-hearing on a video-conferencing platform.

2.What led to the filing of the captioned application has been articulated in Paragraphs 1 to 5 of a 'report dated 10.09.2020' (hereinafter 'said report' for the sake of brevity), being a report of OL, which has been filed in support of captioned application and the same reads as follows:

'1.That the Hon'ble High Court, Madras by an order dated 17.09.2010 made in C.A.No.884 to 886 of 2008 in C.P.No.57 of 1998 appointed the Official Liquidator attached to the Hon'ble High Court, Madras as the Provisional Liquidator of Maxworth Orchards (India) Ltd., with directions to take charge of the assets and effects of the company in Provisional Liquidation. In and by the said order Shri.K.Alagiriswami, Senior Advocate, Madras High Court, has been appointed as the Administrator of the said

Company to assist the Official Liquidator.

2.That the Hon'ble High Court, Madras vide its order dated 10.01.2020 in C.A.Nos.1 and 2 of 2020 directed the Official Liquidator to file application to bring the properties belonging to the company in provisional liquidation situated at Max-Theni Project in villages namely Dombucherry, Uppukottai and Ammapatti for sale in coordination with the LD. Administrator. Accordingly, a sale application bearing C.A.No.84 of 2020 has been filed with this Hon'ble High Court on 06.02.2020.

3.That while hearing the said application along with C.A.No.1,2,58 and 84 of 2020 on 28.02.2020, this Hon'ble High Court, Madras permitted the Official Liquidator to publish the sale notice in any one issue of the English Daily Indian Express in its Southern Edition and the Tamil Daily Dinamalar and fixed the date of inspection on 30.03.2020, last date for submission of tenders on 02.04.2020 and date of auction on 02.04.2020. Due to the pandemic of Covid-19, the said order could not be complied with and the fact has been placed before the Hon'ble High Court through the web-hearing on a video-conferencing platform with a prayer to re-fix the time of inspection of the company's property, submission of application and the date of auction by the Applicant in C.A.No.138 and 139 of 2020. This Hon'ble High Court while pleased to re-fix the date of inspection on 30.09.2020 and last date for submission of tenders on 05.10.2020 and date of auction on 06.10.2020 vide orders dated 16.06.2020 further ordered that all other aspects, orders/proceedings made by Hon'ble Single Judge being orders/proceedings dated 28.02.2020 and 18.03.2020 in Comp.A.No.1, 2 and 84 of 2020 will remain unaltered and will

continue to govern the parties.

4. That it is respectfully submitted that this office is usually publishing the Sale Notice/notices in Indian Express (English) and Dinamani (Tamil). The said paper is directly accepting the request for Advertisement without utilizing services of Advertising Agencies and also not imposing any conditions for payment in advance.

*5. That the Official Liquidator complied with the above said orders dated 16.06.2020 published the sale notice in English Daily "Indian Express" on 06.09.2020 (Sunday) in its Southern Edition. It is also pertinent to state that the Official Liquidator taken efforts to publish the Sale Notice in Tamil Daily "Dinamalar" by approaching the Paper directly. In turn, the Official Liquidator received information from the Dinamalar Office that they do not accept the paper advertisement directly unless and until there is 100% advance payment. However, orally stated that they accept the advertisement through their agencies. In the circumstances this office has approached one M/s.SK Advertising Agency, Choolaimedu, Chennai as per their advice and requested them to publish the sale Notice in Dinamalar, Tamil Daily. In this regard this office has received a quotation from the said agency dated 09.09.2020 wherein it is mentioned that a sum of Rs.3,76,866/- as advertisement cost including GST with a condition that payment should be made within 15 days of such publication. Copy of the said quotation of the Agency is enclosed and marked as **ANNEXURE** to this report.'*

3.A perusal of prayer in captioned application reveals that OL has

made an alternate prayer and that alternate prayer is to permit publication in 'Dinamani' Tamil daily, as according to Deputy OL, this advance payment issue does not arise with this daily. As publication has already been ordered by this Company Court, as publication in English Daily has already been made, with regard to publication in Tamil Daily, the alternate prayer in captioned application is acceded to permitting OL to make publication in Tamil Daily 'Dinamani' (all editions in Tamil Nadu) within next five days.

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

18.09.2020

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