<u>Company Application No.281 of 2020</u>
<u>in</u>
<u>CP.No.245 of 2013</u>

<u>M.SUNDAR, J</u>

Captioned Company Application has been taken out by 'Official Liquidator attached to this Court' [hereinafter 'OL' for the sake of brevity] with a multi limbed prayer, which as culled out from the Judge's Summons reads as follows:

'a) To take this report on record of this Hon'ble Court;
b) To permit the Official Liquidator to cause the publication for invitation of claims in "The New Indian Express" (Tamilnadu Edition) and "Dina Mani" (Tamilnadu Edition) by giving 30 days time for submission of claims from the date of publication of the notice to prove their debts/claims before the Official Liquidator as stated in para 9 of this report,
c) To permit the Official Liquidator to dispense with the issue individual notices to the creditors as required under Rule 148(2) of the Companies (Court) Rules, 1959,
d) To permit the Official Liquidator to incur such expenditure, as may be necessary in connection with publication for invitation of claim from the funds of the company in liquidation,
e) To direct that the cost of this application do come out of the funds of the company in liquidation, and
f) To pass such order/s as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

2. On behalf of OL, who has taken out the captioned application, Mr.Bavisetty Sridhar, learned 'Deputy Official Liquidator' (hereinafter 'Deputy OL' for the sake of brevity) is before this Company Court in this web hearing on a video conferencing platform.

3. Learned Deputy OL, adverting to a 'report of OL dated 15.10.2020' [hereinafter 'said report' for the sake of brevity] submits that said report has been filed in support of captioned application.

4. From a perusal of said report, it comes to light that in and by an order dated 20.10.2014 passed by this Company Court in the main Company Petition, OL was appointed as Liquidator qua 'Adhavan Processor (P) Limited' [hereinafter 'said company' for the sake of brevity], which is the company, which is under liquidation in the main Company Petition, which is at the instance of a petitioning creditor.

5. Adverting to said report, learned Deputy OL submits that OL took possession of said company and the winding up proceedings are underway in accordance with The Companies Act, 1956 and Rules thereunder and details of same as set out in paragraphs 3 to 8 of said report, read as follows:

'3. That the Official Liquidator observed that the factory premises at Erode was taken possession by TIIC under SARFAESI Act with effect from 05/09/2006 itself i.e., 8 years prior to liquidation. However, though TIIC brought the assets for sale 6 times by conducting the auction, the same were not materialized.

4. That subsequently the Hon'ble High Court, Madras by the order dated 04/01/2019 in C.A.No.637/2018 permitted the Official Liquidator to take possession of the assets of the company in liquidation from TIIC and bring the assets for sale in accordance with law.

5. That this Hon'ble Court by the order dated 13.12.2019, sold the movable assets, through public auction for an amount of Rs.45,60,000/-. Further the immovable assets are still lying unsold and in compliance of this Hon'ble Court order dated 03.01.2020, the Official Liquidator has displayed Notice Board at the factory premises intimating that the immovable assets are for sale by Hon'ble High Court, Madras. Pursuant to this one Mr.N.Murugan, from Erode through his counsel approached this Hon'ble Court on 21.02.2020 expressing his intention to purchase the said property.

6. That this Hon'ble Court by the order dated 24.02.2020 in

C.A.No.242 of 2019, accepted the offer of Rs.2 Crores made by Mr.N.Murugan & seven others since there were no other bidders in the auction held after publication and the bidder has submitted Demand Drafts for a sum of Rs.20,40,000/-. Further this Hon'ble Court, directed the purchaser to pay a further 10% of the sum of Rs.2 Crores in the first week of March 2020 and also to pay entire amount on or before 10.04.2020, failing which the money already remitted will be forfeited. However, Mr.N.Murugan & seven others, have remitted a sum of Rs.20,40,000/- towards initial sale consideration with the Official Liquidator on 06.03.2020 and failed to remit the balance sale consideration of Rs.1,59,20,000/- with the Official Liquidator within the stipulated time limit granted by this Hon'ble Court.

7. That the funds position of the company in liquidation as on 30.09.2020 is

Bank	*Rs.*	*2,25,773.50*
Investment	*Rs.*	1,01,00,000.00
Total	***Rs.***	***1,03,25,773.50***

8. That since sufficient funds are available, subject to approval of this Hon'ble Court, the Official Liquidator proposes to invite claims from the creditors of the Company in liquidation.'

6. This Company Court, having heard learned Deputy OL, having perused said report, having been satisfied that multi-limbed prayer in the

captioned application deserves to be acceded to as it would only further the liquidation process which is underway, captioned application is allowed by acceding to prayer limbs (b) to (e). There shall be no order as to Costs.

20.11.2020

kmi

M.SUNDAR. J

kmi

Company Application No.281 of 2020 in
CP.No.245 of 2013

20.11.2020