Comp.A.No.87 of 2022
in
C.P.No.255 of 2014

M.SUNDAR, J.,

Captioned application has been taken out by 'Official Liquidator attached to this Company Court' [hereinafter 'OL' for the sake of convenience and clarity] and Mr.Bavisetty Sridhar, learned 'Deputy Official Liquidator' [hereinafter 'Deputy OL' for the sake of convenience and clarity] is before this Court on behalf of OL.

2. Adverting to multi-limbed prayer in the captioned application, learned Deputy OL submits that a 'report of OL dated 15.03.2022' [hereinafter 'said report' for the sake of convenience and clarity] has been filed in support of the captioned application. Adverting to said report, learned Deputy OL submits that disbursements made thus far have been set out in paragraph No.6, fund position has been set out in paragraph No.7 and availability of funds for disbursement to secured creditors has been set out in paragraph No.8. Paragraph Nos.6 to 8 of said report read as follows:

'6. That as per the various orders of the Hon'ble High Court, Madras, the Official Liquidator had disbursed a total amount of Rs.91,81,23,399.76 to SBI, the lead Bank of Consortium of Banks for distribution of the amount amongst the members of consortium on pro-rata basis and the details of disbursement made to SBI till date are as follows:-

SI. No.	***Court Order dated***	***C.A.No.***	***Amount in Rs.***
1	*29.04.2015*	*507/2015*	*7,17,43,966.00*
2	*29.04.2015 & 02.06.2015*	*507/2015*	*30,00,36,878.00*
3	*16.06.2016*	*508/2015*	*18,95,41,885.16*
4	*17.03.2017*	*48/2017*	*9,44,14,448.60*
5	*25.01.2018*	*06/2018*	*1,24,74,830.00*
6	*26.03.2018*	*07/2018*	*16,00,00,000.00*
7	*17.07.2020*	*421/2019*	*8,99,11,392.00*
	Total		***91,81,23,399.76***

7. That, as on 07.03.2022 the funds position of the company (in Prov. Liquidation) is

SI. No.	***Description***	***Amount in Rs.***
1	*Bank Balance*	*24,650/-*
2	*Investment*	*2,72,00,000/-*
	Total	*2,72,24,650/-*

8. That the Official Liquidator submits that as sufficient funds are available, it is proposed to declare and disburse a further *dividend @ 0.10% on the admitted amount of Rs.11,98,81,85,586/- to State Bank of India, SAM Branch, the Lead Bank of Consortium of 14 secured creditors of the company (in Provisional Liquidation) which is calculated and arrived at Rs.1,19,88,186/- for which Official Liquidator may be permitted to open a dividend account for Rs.1,19,88,186/- with Punjab National Bank, NSC Bose Road, Chennai exclusively for disbursement of dividend to SBI and thereafter to close the said dividend account as the disbursement is to be made to one creditor one.'*

3. One of the limbs of prayer in captioned application is to permit OL to dispense with publication of notice of declaration of dividend, with regard to this limb of prayer, learned Deputy OL submits that disbursement is to be made to secured creditors including State Bank of India and therefore, the publication is an avoidable expenditure i.e., publication under Rule 276 of the Companies (Court) Rules, 1959. Learned Deputy OL points out that publication in newspapers is expensive and this money can be made available for further disbursement as disbursement now sought to be made is only to secured creditors. This oral submission made by learned Deputy OL in support of limb(d) of prayer is acceded to.

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4. In the light of the narrative thus far, this Court being satisfied with said report filed in support of captioned application and oral submissions made by learned Deputy OL deems it appropriate to accede to multi-limbed prayer in the captioned application.

5. Captioned application ordered as prayed for. There shall be no order as to costs.

25.03.2022

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