



Comp.A.No.397 of 2022

in

C.P.No.178 of 2015

KRISHNAN RAMASAMY, J,

This application is filed to direct the respondent/debtor to pay a sum of Rs.65,594.38/- towards the dues along with subsequent interest at the rate of 18% per annum from 01.09.2022 to the date of full and final payment.

2. The learned Official Liquidator submits that by order dated 29.01.2016 made in Company Petition No.178 of 2015, this Court has appointed him as the Provisional Official Liquidator of M/s.Gemini Industries & Imaging Limited (In Provisional Liquidation).

3. The Ex-Director(s) of the company have filed the Statement of Affairs along with the list of borrowers, "Loans and Advances" as on 29.10.2019. As per the said list of borrowers, the respondent herein was shown as debtor for a sum of Rs.30,000/- payable by them as on the date of winding up.

4. The learned Official Liquidator would submit that he has also sent a demand notice dated 25.07.2022 to the respondent demanding a sum of Rs.30,000/- together with interest at the rate of 18% p.a. from



29.01.2016, the date of winding up till the date of entire settlement within 21 days. Though, the respondent acknowledged the receipt of the notice, he has not come forward to settle the dues. However, in his reply dated 10.08.2022, he has stated that he has not done any business with the said company.

5. The learned Official Liquidator further submitted that under these circumstances, he has no other option except to prefer this application under Section 446(2) of the Companies Act, 1956 to direct the respondent to pay a sum of Rs.65,594.38/-. This Court has ordered notice to the respondent dated 14.10.2022. The Court notice was also served on the respondent. Today, when the matter is came up for hearing none appeared on behalf of the respondent. This shows that the respondent is not interested in this case any more.

6. Considering the submissions made by the learned Official Liquidator and on perusal of the report of the learned Official Liquidator dated 27.09.2019 and a perusal of the Statement of Affairs filed by the Ex-Director of the company dated 29.10.2019, this Court is satisfied that the learned Official Liquidator approves this case that the respondent is liable to pay a sum of Rs.65,594.38/-. Accordingly this application is ordered as prayed for and the respondent is directed to pay a sum of



Rs.65,594.38/- along with the interest at the rate of 18% from
01.09.2022 till the date of full and final payment. No costs.

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