

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

COMPANY APPLICATION No.29 of 2022

ORDER:

This Application is filed under Section 528 of the Companies Act, 1956 (for short 'the Act') read with Rules 139, 147, 148, 159, 160, 163, 173 & 174 of the Companies (Court) Rules, 1959 (for short 'the Rules').

2. The Official Liquidator prays for the following reliefs:

- "i. permit the Official Liquidator to invite the claims from the creditors of the company (In Liqn.) under Section 528 of the Companies Act, 1956 read with Rules 139, 147, 148, 159, 160, 163, 173 & 174 of the Rules;
- ii. permit the Official Liquidator to advertise the notice to invite the claims in the daily newspapers of "Andhra Jyothi" & "Indian Express" or any other newspapers as this Hon'ble Court may deem fit and proper having circulation at Shad Nagar, Mahaboobnagar district & Pashamylaram, Sanga Reddy district and Hyderabad;
- iii. permit the Official Liquidator to dispense with issuance of Notice pursuant to Rule 148 (2) of the Rules, to the creditors whose details are not available with the Official Liquidator as the Statement of Affairs has not been filed by the Ex-Management of the Company (In Liqn.)
- iv. permit the Official Liquidator to exercise all the powers required for adjudication of claims, order that the costs of this application do come out of the assets of the Company (In Liqn.)."

3. Heard Sri J. Sreenadh Reddy, learned Counsel for the Official Liquidator, and perused the statement of affairs of the company in liquidation and also the affidavit dated 03.03.2022 filed by Smt. V. Santoshi Jagirdar, Official Liquidator.

4. This Court, by the order dated 20.04.2015 in C.P.No.33 of 2013, ordered winding up of M/s.Ameya Laboratories Limited (company in liquidation).

5. In the affidavit filed by the Official Liquidator (OL), it is stated that upon the direction of the Division Bench of this Court, *vide* interim order dt.31.12.2021 passed in W.P.No.18694 of 2020, which was filed by the workmen of the company in liquidation, against the APSFC and two others, the APSFC had paid excess sale consideration of Rs.8,63,17,954/-, which amount was realized by sale of assets of one of the units of the company in liquidation, to the OL, *vide* receipt dt.07.02.2022, and the said amount is available to the credit of the company in liquidation; that the OL had received voluntary claims from various institutions and workmen as mentioned in the affidavit; that in pursuance of the direction of the Division Bench of this Court in the above said writ petition, the OL intended to invite claims from the creditors of the company in liquidation by causing publication of notice in the “Andhra Jyothi” and “Indian Express”; and that the OL is seeking permission under Rule 148(2) of the Rules to dispense with the issuance of notices to the creditors of the company in liquidation, as the Statement of Affairs was not filed by the Ex-Directors of the company.

6. In view of the aforesaid circumstances, the Company Application is allowed as prayed for.

T. VINOD KUMAR, J

Date: 23.09.2022

GJ

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

COMPANY APPLICATION No. 29 of 2022

23.09.2022

GJ