

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
COMPANY APPLICATION NO. 03 OF 2022
IN
COMPANY PETITION NO. 10 OF 1999

M/s. Carson Ore Carriers Pvt. Ltd Thr. ... Applicant
Official Liquidator

Versus

--

...Respondent

Ms. Amira Razaq, Advocate *for the Official Liquidator.*

Mr. S. D. Bhosle, Senior Technical Assistant, Registrar of
Companies, Goa, cum Official Liquidator, Goa.

CORAM: B. P. COLABAWALLA, J
DATED: 7th FEBRUARY 2023

P.C.

1. The above Company Application is filed by the Official
Liquidator seeking the following reliefs :

“(a) In view of para 6 supra, whether this Hon'ble Court may be pleased to take on record certified list of proof of debts tendered to and admitted or rejected by the Official Liquidator as per "Exhibit "A".

(b) If prayer (a) is in affirmative, in view of para 7 supra, whether this Hon'ble Court may be pleased to permit the Official Liquidator to declare and pay 100% to M/s. Damodar Mangalji and Co. Ltd amounting to Rs.4,00,000/- as per the certified list of admitted claims Exhibit “A” from the fund available to the credit of the company (in liquidation)

(c) If prayer (b) is in affirmative, in view of para 8 supra, whether this Hon'ble Court may be pleased to permit the Official Liquidator to pay interest @ 4% to M/s. Damodar Mangalji and Co. Ltd as per Rule 179 of Companies (Court) Rules 1959 on admitted amount from date of winding up order i.e. 21.06.2002 till 31.03.2022 amounting to Rs.3,16,444/- as per the certified list of admitted claims Exhibit "A" from the fund.

(d) In view of para 9 supra, whether this Hon'ble Court would be pleased to dispense with action publishing the 'NOTICE OF DECLARATION OF DIVIDEND' in terms of Rule 276 of Companies (Court) Rules, 1959 as the payment is to be made to one claimant. However, the Official Liquidator will be send the notices of payment to Damodar Mangalji and Co. Ltd, by "Speed Post" to their last known address.

(e) In view of para 10 supra, whether this Hon'ble Court would be pleased to dispense with action of opening Separate Dividend Account under Rule 290 of the Companies (Court) Rules, 1959, a with Punjab National Bank, Branch Goa, Panjim, Calisto Mansion, Pissurlakar Road, Panjim 103001, Goa and since there is only one claimant to whom the amount is to be paid, the Hon'ble Court may permit to pay the dividend to M/s. Damodar Mangalji and Co. Ltd from the P.D. Account of Official Liquidator.

(f) Whether this Hon'ble Court would be pleased to permit the Official Liquidator to keep the dividend

account for the period of six months from the date of orders to be passed by this Hon'ble Court application for declaration of in this dividend and if M/s. Damodar Mangalji and Co. Ltd does not discharge the dividend notice till period of six months, thereafter the Official Liquidator will transfer the unpaid / unclaimed amount, if any, to "the Companies Liquidation Account" maintained with the Registrar of Companies under section 555 of the Companies Act, 1956.

(g) In view of para 11 supra, whether this Hon'ble Court would be pleased to permit the Official Liquidator to invite the claims of contributories by publishing advertisement in leading English "The Navhind Times" in English language and the other in "Gomantak" Marathi News paper having circulation in the State of Goa, & "Times of India" (in English) and Vijaya Karnataka" (in Kanada) Newspaper having circulation in Bangalore in the State of Karnataka through Advertising agency and pay the expenses of publication for invitation of claims including translation charges from the funds lying to the credit of company (in liquidation) subject to deduction of TDS at the prevailing rate.

2. The Company M/s. Carson Ore Carriers Pvt. Ltd., was ordered to be wound up pursuant to an Order passed by this Court on 21.06.2002. Thereafter, the Official Liquidator invited claims from workers/creditors as required under Rule 148 of the Companies (Court) Rules, 1959, by giving an advertisement in the newspapers.

Pursuant to the advertisements, the Liquidator had received five claims in the form of Affidavit of proof of debts. The said claims were adjudicated by the Official Liquidator. A list of admitted and rejected claims is annexed at Exhibit A to the application.

3. To put it in the nutshell, out of the five claims which were adjudicated, four were rejected and only one was allowed. The claim that was allowed was of M/s. Damodar Mangalji & Company, for an amount of Rs.4,00,000/-. The reliefs sought in the above application are for payment of the aforesaid amount of Rs.4,00,000/- to M/s. Damodar Mangalji & Co. as well as for certain other consequential reliefs.

4. Having perused the Company Application and after hearing the learned Advocate appearing on behalf of the Official Liquidator, I do not see any impediment in allowing the prayers sought for in the above Company Application.

5. In these circumstances, the above Company Application is made absolute in terms of the prayer clauses (a) to (g) reproduced herein above.

6. A copy of this Order shall be forwarded by the Official Liquidator to the Registrar within a period of thirty days from today

who shall make in his books a minute of the dissolution of the company.

7. The Company Application is accordingly disposed of. No order as to costs.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B. P. COLABAWALLA, J

ANDREZA
PEREIRA

 Digitally signed by ANDREZA PEREIRA
Date: 2023.02.08 15:42:21 +05'30'