

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO.8 OF 2023

IN

COMPANY PETITION NO. 10 OF 1999.

M/S CARSONS ORE CARRIERS PVT.

LTD THR. OFFICIAL LIQUIDATORApplicant.

VS

NO PARTYRespondent.

Ms. A. Razaq, Advocate for the applicant.

CORAM: PRAKASH D NAIK, J

DATED: 9th November 2023

P.C..

1. This is an application for condonation of delay of 1509 days in filing Annual Statement of account before this Court for the period from 1.4.2018 to 31.3.2018.

2. Paragraph 6 of the application reads as follows:-

"That the Official Liquidator submits that by and order dated 01.07.2019 passed on Administrative Note No. 1 of 2019, the Hon'ble Court permitted the Official Liquidator to appoint panel Chartered Accountant for Audit and preparation of Annual Statement of Account. Accordingly vide letter dated 17.07.2019 M/s. Chinmay S. Kamat & Co Chartered Accountant was appointed for preparation of Annual Statement of Account of this company (in

liquidation). A copy of letter dated 17.07.2019 is annexed here to and marked as Exhibit "A". Since there was progress found from M/s. Chinmay S. Kamat & Co a reminder dated 11.10.2019 was issued and requested to intimate, whether they are interested to do the work and going to complete the said assignment or not, failing which appropriate action for removing his name from the panel of Official Liquidator will be initiated. A copy of letter dated 11.10.2019 is annexed here to and marked as Exhibit "B". There was no reply filed by M/s Chinmay S. Kamat & Co. Chartered Accountant. Thereafter due to pandemic COVID -19 there was no progress in the matter. The official Liquidator submits that since M/s. Chinmay S. Kamat & Co Chartered Accountant not responding to the letters issued by Official Liquidator he was removed from the panel of Official Liquidator by an order dated 02.02.2022 passed in Administrative Note No. 1 of 2022. There after official liquidator vide letter dated 01.12.2022 appointed M/s. P. V. Bhandare & Co. Chartered Account for preparation of Annual statement of Accounts of this company in liquidation. A copy of letter dated 11.12.2022 is annexed here to and marked as Exhibit "C". That after going through the accounts book maintained by the Official Liquidator, M/s P. V. Bhandare & Co. Chartered Account submitted Annual statement of Account in Form No. 148 in the office of Official Liquidator on 23.05.2023. There is no transaction in this company even there are no assets in this company, only interest received on FDR are

receipt and 30 % of interest transferred to Common Pool Fund Account (as per order of this Hon'ble Court) and Central Government Fee on interest of F.D.R.(as per section 451(2) of the Companies Act, 1956 read with Rule 291 of Companies (Court) Rules 1959) are the withdrawal a copy of Annual Statement of Account in Form No. 148 is annexed and marked as Exhibit "D".

3. For the reasons stated in this application, the delay in filing Annual statement is condoned and the Annual statement is taken on record in terms of prayer clause (b) and marked as "X" for identification.
4. Application is disposed off.

PRAKASH D NAIK, J.

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