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Comp.A.No.64 of 2021
in C.P.No.178 of 2016

KRISHNAN RAMASAMY, J.

This Application has been filed by the Official Liquidator under Section 446(2) and 460 (4) of the Companies Act, read with rules 9, 11(b) of the Companies (Court) Rules 1959, seeking for the following prayers:

(a) to take his report on record;

(b) to direct the respondent/debtor firm to pay a sum of Rs.1,57,156/- along with an interest @ 18% p.a from 29.01.2016 to till date of entire settlement.

2. When the matter came up for hearing on 25.01.2023, as there was no representation on behalf of the respondent, this Court directed the Registry to print the name of the respondent and to list the matter on 10.02.2023. Accordingly, the matter is listed today and the name of the respondent is also printed. However, today also there is no representation for the respondent, which shows that the respondent is not interested to contest the case. Hence, the respondent is set *ex parte* and this Court proceeds to pass the following order.



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3.Learned Official Liquidator would submit that this Court vide order dated 29.01.2016 made in C.P.No.178 of 2015, appointed the Official Liquidator as Liquidator of M/s.Gemini Industries & Imaging Limited, with a direction to take charge of all the properties and effects to the Company in liquidation.

4.He would further submit that as per the statement of affairs filed by the Ex-Directors of the company in liquidation, the respondent had been shown as debtor and he is liable to pay a sum of Rs.1,57,156/- to the company in liquidation. Therefore, the learned Official Liquidator sent a demand notice on 28.10.2020 calling upon the respondent to make the payment of Rs.1,57,156/- together with interest at the rate of 18% p.a from 29.01.2016 to the date of final settlement, which is enclosed as Annexure 'A' and the said notice was acknowledged by the respondent. The said acknowledgement card is enclosed as Annexure 'B' and 'C'. However, till date the respondent has not come forward either to contest the matter or to make the payment. Hence, he prayed to allow the present application.



5. Upon hearing and perusal of the statement of affairs filed by the Ex-directors and the demand notice sent to the respondent, it is clear that the respondent is liable to make the payment of Rs.1,57,156/- to the Official Liquidator and hence the respondent is directed to make a payment of Rs.1,57,156/- together with interest at the rate of 18% p.a from 29.01.2016 till the date of final payment, in favour of the Official Liquidator, High Court, Madras.

6. With the above directions, this application is ordered as prayed of.

10.02.2023

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