



Comp.A.No.636 of 2011

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in

C.P.No.115 of 2004

C.SARAVANAN, J.

Despite notice being served on the respondents, the respondents have not filed any counter affidavit.

2. This application has been filed under Section 454(5A) of the Companies Act, 1956 read with Rules 9, 11(b) of the Companies (Court) Rules, 1959.

3. The Company was ordered to be wound up on 10.01.2011. Despite notice on the respondents herein as early as 09.03.2011 to file statement of affairs, the respondents have not cooperated with the Office of the Official Liquidator.

4. During the interregnum, the second respondent, who is the wife of the first respondent has also deceased. Even as on date, the first and third respondents have failed to file statement of affairs as was ordered to be filed



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after the Company was ordered to wound up in 2011. Thus, the Office of the Official Liquidator was unable to proceed with the liquidation of the Company that was ordered to be wound up by order dated 10.01.2011.

5. Thus, it is clear that, a case is made out for initiating prosecution against the first and third respondents for violating Section 454(5A) of the Companies Act, 1956 for imposing punishment under Section 454(5) of the said Act.

6. Hence, this Application is allowed.

7. The Official Liquidator is directed to issue summons on the first and third respondents.

20.10.2023

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