



Comp.A.No.58 of 2023

Comp.A.No.58 of 2023
in C.P.No.178 of 2015

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KRISHNAN RAMASAMY, J.

This Company Application has been filed for the following reliefs:

- (i) To take the Official Liquidator's Report on record;
- (ii) To direct the respondent/debtor to pay a sum of Rs.1,11,47,031.04 along with subsequent interest at 18% per annum from 01.01.2023 to the date of full and final payment;
- (iii) To permit the Official Liquidator to incur the cost of this application from and out of the funds of the company in Provisional Liquidation.

2. The learned Official Liquidator submitted that this Court vide its order dated 29.01.2016 in C.P.No.178 of 2015, wound up the company viz., M/s.Gemini Industries and Imaging Limited and appointed the Official Liquidator attached to this Court to take charge of all the assets of the said company. Pursuant to the said order of liquidation, the Ex-Directors of the company in provisional liquidation filed the Statement of Affairs along with the list of borrowers "Loans and Advances". As per the Statement of Affairs filed by the Ex-Directors of the company in provisional liquidation, the Official Liquidator



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has issued Demand Notice dated 15.03.2021 to the respondent, demanding a sum of Rs.49,62,000/- together with interest at 18% per annum from the date of winding up of the company till the date of entire settlement. Even after the receipt of the said notices, the respondent did not come forward to settle the demanded amount. Hence, this petition.

3. Despite the service of Court Notice as well as Private Notice and the name of the respondent is being printed in the cause list, none appeared on behalf of the respondent. This shows that the respondent is not interested to contest this matter.

4. Upon perusing a copy of the Statement of Affairs filed by the Ex-Directors of the company in Provisional Liquidation and hearing the above submissions made by the learned Official Liquidator, it is crystal clear that the respondent is liable to pay a sum of Rs.1,11,47,031.04 along with 18% interest per annum from the date of winding up of the company till the date of making final payment. The Official Liquidator had proved his claim. Hence, this Court is inclined to allow this application.



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WEB COPY 5. Accordingly, this Company Application is ordered as prayed for.

16.06.2023

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