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Comp.A.No.46 of 2022
in C.P.No.35 of 2013

KRISHNAN RAMASAMY, J.

This Company Application has been filed for the following reliefs:

(i) To permit the Official Liquidator to invite claims from the creditors of the company in Provisional Liquidation by causing publication in “The New Indian Express” English daily and “Dinamani” Tamil Daily in circulation in the State of Tamil Nadu.

(ii) To direct the respondent herein M/s.ASREC (India) Limited to remit the Publication expenses with Official Liquidator in connection with publication to invite the claim from the creditors of the company in Provisional Liquidation, as mentioned in Para No.13 of this report.

2. The Official Liquidator submitted that this Court vide order dated 10.01.2017 made in C.P.No.35 of 2013, appointed him as Provisional Liquidator of M/s.Faithful Engineers Private Limited company with a direction to take charge of all the assets and effects of the company in provisional liquidation. As per the order of this Court, he took charge as



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Provisional Liquidator of the said company, but, the Ex-Directors of the company have not filed the Statement of Affairs and also, not handed over the assets, books of account and records to him. Hence, he has filed C.A.No.812 of 2017 against them and this Court vide order dated 21.06.2017, directed him to execute bailable warrant against the Ex-Directors of the company in provisional liquidation. Pursuant to the said order, he called the Ex-Directors of the company and done investigation, during which, he came to know that the book of account, records and registers of the company are under the custody of respondent. He further submitted that at present, no fund available with the company. Since there is no fund, he is unable to invite claims from the creditors of the company. Therefore, he prayed this Court permit him to invite claims from the creditors of the company in provisional liquidation by causing publication in “The New Indian Express” and “Dinamani” and also, to issue appropriate direction to the respondent to remit the publication expenses for inviting the claims from the creditors of the company in provisional liquidation with him.



3. Despite the service of notice and the name is being printed in the cause list, none appeared on behalf of the respondent.

4. Considering the facts and circumstances of the case and also, having regard to the submissions made by the Official Liquidator, this Court is of the opinion that it is necessary for the Official Liquidator to invite the claims from the creditors of the company in provisional liquidation and invoke further proceedings. Therefore, in order to protect the interest of the secured creditors including the respondent and other creditors of the company, this Court is inclined to allow this application.

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

03.02.2023

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