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Comp.A.No.89 of 2023
in C.P.No.178 of 2015

KRISHNAN RAMASAMY, J.

This Application has been filed by the Official Liquidator seeking for the following prayers:

- a) to take this report on record;
- b) to direct the respondent / debtor to pay a sum of Rs.2,27,427.94/- towards dues as mentioned in Para No.5 along with subsequent interest at 18% p.a. from 01.02.2023 to the date of full and final payment;
- c) 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.Learned Official Liquidator would submit that this Court by order dated 29.01.2016 made in C.P.No.178 of 2015, wound up the company viz., M/s.Gemini Industries & Imaging Limited (in provisional liquidation) and appointed the Official Liquidator as the Provisional Liquidator with a direction to take charge of all the assets of the company in provisional liquidation. Thereafter, the Ex-Directors of the company in provisional liquidation had filed the Statement of Affairs on 29.10.2019 with the list of borrowers under the headings “Loan and Advances”.



WEB COPY

3.He would further submit that as per the statements of affairs submitted by the Ex-Directors of the company in provisional liquidation, the respondent herein has been shown as debtor for a sum of Rs.1,00,566/- payable by him as on the date of winding up. Based on the said information, the Official Liquidator had issued a demand notice to the respondent on 30.03.2021, calling upon the respondent to pay a sum of Rs.1,00,566/- together with interest at 18% p.a from 29.01.2016, the date of winding up till the date of entire settlement. The said notice was acknowledged by the respondent on 31.03.2021. Since there was no reply from the respondent, the Official Liquidator issued final notice dated 10.10.2022 to the respondent. The final notice also acknowledged by the respondent on 12.10.2022. However, the respondent has neither made any remittance nor furnished any reply. Hence, he filed the present application.

4.Though notice served against the respondent and the name of the respondent is also printed in the causelists, none appeared on behalf of the respondent either in person or through counsel, which shows that the respondent is not interested to contest the case. Hence, the respondent is set *ex-parte*.



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5.Considering the submissions of the learned Official Liquidator and averments made in the report filed by the Official Liquidator and a perusal of the statement of affairs, it is clear that the respondent is liable to pay a sum of Rs.1,00,566/- as on 29.01.2016 along with interest amount of Rs.1,26,861.94/- at 18% p.a from 29.01.2016 to 31.01.2023, totalling to Rs.2,27,427.94 along with subsequent interest at 18%p.a from 01.02.2023 till the date of making final payment.

6.Hence, this Application is ordered as prayed for.

24.03.2023

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