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Comp.A.No.148 of 2023
in C.P.No.178 of 2015

KRISHNAN RAMASAMY, J.

This Application has been filed by the Official Liquidator under Section 446(2) and 460 (4) of the Companies Act, 1956 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 to pay a sum of Rs.7,91,517.81 towards dues as mentioned in Para No.5 along with subsequent interest @ 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.Though notice has been served against the respondent and the name of the respondent is also printed in the cause lists, none appeared on behalf of 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 provisional Liquidator of M/s.Gemini Industries & Imaging Limited, with a direction to take charge of all the assets of Company in liquidation.

4.He would further submit the Ex-Directors have filed the statement of affairs of the company in liquidation along with list of borrowers “Loan and Advances”. As per the said list of borrowers, the respondent had been shown as debtor and he is liable to pay a sum of Rs.3,50,000/- to the company in liquidation. Therefore, the learned Official Liquidator sent a demand notice on 12.08.2021 calling upon the respondent to make the payment of Rs.3,50,000/- together with interest at the rate of 18% p.a from 29.01.2016 to till the date of entire settlement, within 21 days. The said notice was acknowledged by the respondent on 14.08.2021, but, there was no reply from the respondent. Once again, the Official Liquidator sent final notice dated 10.10.2022 to the respondent. The said final notice was acknowledged by the respondent on 12.10.2022, but no reply or payment was received. Hence, he filed the present application seeking for direction to respondent to pay a sum of Rs.3,50,000/-



as on 29.01.2016 along with interest amount of Rs.4,41,517.81 at the rate of 18% from 29.01.2016 to 31.01.2023 totalling to Rs.7,91,517.81 along with subsequent interest at the rate of 18% from 01.02.2023 till the date of making final payment.

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.7,91,517.81 to the Company in Liquidation. Hence the respondent is directed to make a payment of Rs.7,91,517.81 together with interest at the rate of 18% p.a from 01.02.2023 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.

09.06.2023

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KRISHNAN RAMASAMY, J.

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