



Company Application No.147 of 2023

Company Application No.147 of 2023
in Company Petition No.178 of 2015

WEB COPY

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.2,26,147.95 along with interest at 18% per annum from the date of winding up till the date of entire settlement; and
- (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 Company Petition 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



has issued Demand Notices dated 12.08.2021 and 10.10.2022 to the respondent, demanding a sum of Rs.1,00,000/- 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.

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.2,26,147.95 along with 18% interest per annum from the date of winding up of the company till the date of making final payment. The Official Assignee had proved his claim. Hence, this Court is inclined to allow this application.



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

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