



Comp.A.No.142 of 2023
in C.P.No.178 of 2015

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C.SARAVANAN, J.

This Application has been filed to recover a sum of Rs.5,05,45,787.67 along with interest at the rate of 18% per annum from 01.01.2023 till the date of making final payment, being the due as mentioned in paragraph No.5 of the report of the learned Official Liquidator.

2.Court Notice and Private Notice was ordered on 02.03.2023. However, the notice had remained unserved. Therefore, by an order dated 31.03.2023, this Court had permitted the learned Official Liquidator to effect substituted service of notice on the respondent by way of paper publication in one issue of “Malai Malar” by indicating the date of hearing as 09.06.2023.

3.Pursuant to the order of this Court dated 31.03.2023, the office of the learned Official Liquidator had also taken out paper publication and effected substituted service of notice on the respondent and also filed Affidavit of Service to that effect.



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4.Despite the name of the respondent is also printed in the cause

list, the respondent fails to appear either in person or through counsel.

5.The learned Official Liquidator has filed a memo dated 05.10.2023 giving the status as on 05.10.2023. Relevant portion of the memo states as under:

*“3. That the Official Liquidator submits that, as the respondent has failed to pay the demanded amount, the Official Liquidator had filed recovery application under section 446(2) of the Companies Act, 1956 before this Hon'ble Court in C.A.No.142/2023 prayed for an order directing the respondent to pay the debt due amount of Rs.2,25,00,000/- as on 29.01.2016 along with interest amount of Rs.2,80,45,787.67 @ 18% p.a. from 29.01.2016 to 31.12.2022 totaling to **Rs.5,05,45,787.67** along with Subsequent Interest @ 18% p.a. from 01.01.2023 till the date of making final payment. The said case came for hearing on 04.09.2023 and the Hon'ble High Court, Madras directed the Official Liquidator to find out the status of respondent company from ROC website and was adjourned to 09.10.2023.*

*4. That the Official Liquidator further submits that, on verification with the MCA Portal the respondent name & address was not available in the Companies Master Data. **(Copy of Master Data sheet were marked and annexed as Annexure)***



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5. That in view of the above said fact, this report may be taken on record and suitable order(s) may be passed as may deem fit and proper in the circumstances of the case.”

6.The said memo is taken on record. Accordingly, Comp.A.No.142 of 2023 stands allowed by permitting the office of the learned Official Liquidator to take steps to recover the aforesaid amount from the respondent in accordance with law.

13.10.2023

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13.10.2023