



Company Application No.146 of 2023 in Company Petition No.178 of 2015

WEB C **KRISHNAN RAMASAMY, J.**

This application has been filed for the following reliefs:

(i) To take this report on record;

(ii) To direct the respondent/debtor to pay a sum of Rs.11,30,739.73/- towards dues as mentioned in paragraph no.5 along with subsequent interest @ 18% p.a. from 01.02.2023 to the date of full and final payment 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 order dated 29.01.2016 in C.P.No.178 of 2015, wound up the company viz., M/s.Gemini Industries and Imaging Limited having its registered office at No.28, New Bangaru Colony, West K.K.Nagar, Chennai – 600 078 and appointed an Official Liquidator attached to this Court to take charge of all the assets of the said company, pursuant to which, the Ex-Directors of the company in provisional liquidation filed the Statement of Affairs along with the list of borrowers, “Loans and Advances”.



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2.1. Further, he submitted that as per the aforesaid list of borrowers, the respondent is a debtor is liable to pay a sum of Rs.5,00,000/- and hence, he had issued a Demand Notice dated 12.08.2021 to the respondent, demanding them to pay a sum of Rs.5,00,000/- together with interest at the rate of 18% p.a from 29.01.2016 (date of winding up) till the date of entire settlement, within 21 days. However, after the receipt of said notice, there was no reply from the respondent.

2.2. Since there was no reply from the respondent, he had issued Final Notice dated 10.10.2022 to the respondent once again, demanding them to pay a sum of Rs.5,00,000/- together with interest at the rate of 18% p.a from 29.01.2016 (date of winding up) till the date of entire settlement, within 15 days. Even after the receipt of final notice, the respondent has not sent any reply to it. Hence, he has filed this Company Application.

3. Despite notice was served to the respondent and name of the respondent has been printed in the cause list, today, none appeared on behalf of the respondent.



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4. Heard the learned Official Liquidator and perused the materials placed before this Court.

5. Upon hearing the submissions made by the learned Official Liquidator and perusing the Report filed by him, it is crystal clear that the respondent is liable to pay the debt due amount of Rs.5,00,000/- as on 29.01.2016 along with interest amount of Rs.6,30,739.73 at 18% p.a from 29.01.2016 to 31.01.2023 totaling to Rs.11,30,739.73/- along with subsequent interest at 18% p.a from 01.02.2023 till the date of making final payment, as stated by the learned Official Liquidator. Hence, this Court is inclined to allow this application. Accordingly, this Company Application is ordered as prayed for.

16.06.2023

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KRISHNAN RAMASAMY, J.

mrr

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