



Comp.A.Nos.557/17 etc.

Comp.A.Nos.557 of 2017 and 285 of 2021
in C.P.No.291 of 2013

ABDUL QUDDHOSE, J.

Mrs.Nithya

... Applicant in both applications

Versus

1.The Office of the Official Liquidator,
High Court of Madras.

... Respondents in C.A.No.285/21

2.State Bank of India,
Stressed Assets Management Branch,
Chennai and another

... Respondent in both applications

Comp.A.No.285 of 2021 has been filed to direct the Official Liquidator or the second respondent/State Bank of India to settle the outstanding security bills to the tune of Rs.4,11,008/- of the applicant security agency in respect of the company under liquidation, in view of non payment of the same by the Official Liquidator as well as by the second respondent bank, who is a secured creditor.

2. The second respondent/State Bank of India has filed a counter affidavit disputing the quantum of claim made by the applicant. According to them, the Official Liquidator had agreed that a sum of Rs.5,005/- per person for two shifts alone is payable by the second respondent to the



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applicant. But, disputing the same, the applicant has claimed a sum of Rs.4,11,008/-.

3. Admittedly, the applicant was engaged as a security agency for the purpose of guarding the assets of the company under liquidation. Admittedly, the second respondent/State Bank of India is a secured creditor. Certain books of accounts were also kept at the premises, for which, security personnel were deployed by the applicant on a request made by the official liquidator's office with the approval of the second respondent bank.

4. Even though the second respondent bank may contend that a sum of Rs.5,005/- per person was alone agreed upon towards the payment of the security agency, this Court, after giving due consideration to the fact that the security personnel deputed by the applicant was for the period from 01.06.2015 to 25.07.2016, is of the considered view that atleast for the said period, a minimum sum of Rs.30,000/- for the two security personnel need to be paid considering the year of the service. If Rs.30,000/- per month for two security personnel is taken into consideration, for a period of 14 months, during which the securing personnel had guarded the property, the



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applicant may have been paid a sum of Rs.4,20,000/-, but, in the instant application, the applicant has claimed only a sum of Rs.4,11,008/-, which, in the considered view of this Court, is a reasonable sum and has to be paid to the applicant by the second respondent bank, who is a secured creditor.

5. Accordingly, the contentions of the second respondent bank in this application are rejected and the application in Comp.A.No.285 of 2021 is allowed as prayed for by directing the second respondent bank to settle the outstanding security bills of the applicant amounting to Rs.4,11,008/- within a period of two weeks from the date of receipt of a copy of this order. In view of the orders passed in Comp.A.No.285 of 2021, Comp.A.No.557 of 2017 filed by the Official Liquidator is closed.

17.07.2023

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