IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
OFFICIAL LIQUIDATOR'S REPORT NO.32 OF 2024
IN
COMPANY PETITION NO.279 OF 2009

In the matter of Companies Act,
1 of 1956
and
In the matter of International Hometex
Limited (In Liquidation)

L & T Finance Limited … Petitioner

Mr. Harsh Moorjani for Official Liquidator.
Mr. Chandan Kumar, Official Liquidator.
Ms. Rahila Memon i/b. S. I. Joshi & Co. for L & T Finance.

CORAM : MANISH PITALE, J.
DATE : MARCH 15, 2024

P.C. :

. The present OLR has been moved in order to seek correction of an error that crept into order dated 19.01.2024 passed by this Court in OLR No.133 of 2023.

2. The learned counsel appearing for the official liquidator submits that in the said OLR, the number of workers was erroneously stated as '239', while the correct number is '229'. This is clarified in paragraph 3 of the present OLR. Attention of this Court is also invited to the list of workers annexed to the OLR, which indeed shows the number is '229' and not '239'.

3. With the correction of the number, proportionately the amount would also vary, and therefore, the official liquidator is constrained to move the present OLR seeking appropriate directions in terms of prayer clauses (a) to (c).

4. The learned counsel for the official liquidator submits that

MINAL SANDIP PARAB Digitally signed by MINAL SANDIP PARAB Date: 2024.03.16 16:07:46 +0530 observations in paragraphs 4 to 7 of the order dated 19.01.2024 would continue to remain relevant and that therefore, this Court may consider retaining those paragraphs of the order dated 19.01.2024.

5. This Court has perused the OLR and the documents filed therewith. The prayers made on behalf of the official liquidator deserve to be granted.

6. In view of the above, the OLR is allowed in terms of prayer clauses (a) to (c), which read as follows:-

> “a) In view of para (3) of this report, this Hon’ble Court may be pleased to recall the order dated 19.01.2024 passed by this Hon’ble Court in Official Liquidator’s Report No.133 of 2023 and further this Hon’ble Court may be pleased to pass an order in the instant official liquidator’s report to permit the official liquidator to declare dividend @ 100 paise in a rupee to 229 workers whose claim have been admitted and list have been filed with the Prothonotary and Senior master of the Hon’ble High Court, Bombay;
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> b) In view of para (4) of this report, this Hon’ble Court would be pleased to permit the official liquidator to open ‘Separate Dividend Account’ with Punjab National Bank, PNB House Branch, Fort, Mumbai, with a sum of Rs.3,38,69,654/- under Rule 290 of the Companies (Court) Rules, 1959 for making payment of dividend to the workers. The dividend shall be payable within a period of six months from the date on which the order / directions are given by this Hon’ble Court for declaration of dividend, and thereafter to transfer unpaid / unclaimed amount, if any, to the Company Liquidation Account maintained with Registrar of Companies, Maharashtra, Mumbai u/s. 555 of the Companies Act, 1956.
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> c) In view of para (5) of this report, this Hon’ble Court would be pleased to dispense with the requirements of publication of notice in newspaper as per Rule 276 of the Companies (Court) Rules, 1959 and permit the official liquidator to send individual dividend notices to 229 workers by speed post to their last known addresses available with this office;”

7. The order dated 19.01.2024 passed in OLR No.133 of 2023 is recalled to that extent. It is clarified that paragraphs 4 to 7 of the said order are not recalled and they are made part of the order passed today in OLR No.32 of 2024.

(MANISH PITALE, J.)