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Comp.A.No.998 of 2013

in

C.P.No.14 of 1997

C.SARAVANAN, J.

This Company Application has been under Order XIV Rule 8 of the Original Side Rules read with Rules 9, 11(b) and 19 of the Company Court Rules, 1959, to direct the Official Liquidator to convene a meeting of the Creditors, Ex-Directors and interested parties of the Company in liquidation on a day so fixed by this Hon'ble Court.

2. The Company was ordered to be wound up as early as 20.09.2006. During the pendency of the Company Petition before the winding up order, the assets of the Company were sold by the revenue authorities on 09.01.2003 for a total sum of Rs.42,55,000/-, apparently to settle the workers due. It appears that there are no due of the workers as on date.

3. The learned Deputy Official Liquidator would submit that the sale on 09.01.2003 was in violation of Section 536 of the Companies Act, 1956 and therefore Comp.A.No.1087 of 2008 in C.P.No.14 of 1997 was filed. However, this Court dismissed the application by an order dated 26.03.2013. It is further submitted that further appeal in O.S.A.No.3 of



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2015 also met with same fate on 21.01.2015. A further appeal before the Hon'ble Supreme Court in SLP(C).No.22275 of 2015 was also dismissed on 05.08.2022.

4. It is submitted that a review petition has been filed by the applicant, which is likely to be listed in due course of time. However, the Deputy Official Liquidator would submit that, for the present, Comp.A.No.998 of 2013 can be dismissed as infructuous as no useful purpose will be served to convene the meeting.

5. There is also no representation on behalf of the applicant. This Company Application was filed way back in the year 2013. It appears that the applicant is also not interested in prosecuting the application.

6. Considering the same, this application stands closed for statistical purpose with liberty to revive the same, in case the review petition is allowed by the Hon'ble Supreme Court.

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