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Comp.A.No.999 of 2016

in

C.P.No.3 of 2010

Krishnan Ramasamy, J.,

This Company Application is filed seeking the following prayers:

- “i) To take the report on record
- ii) To permit the Official Liquidator to modify the name of the company in liquidation as prayed in Para 1 of the report;
- iii) To take cognizance of the offence committed by the accused under Section 454(5A) of the Companies Act, 1956 for non-filing of the Statement of Affairs with the Official Liquidator and punish them in accordance with law.
- iv) To dispense with appearance of the Complainant before this Court on each hearing.
- v) To direct the accused to file forthwith the Statement of Affairs with the Official Liquidator.
- vi) To direct the cost of the complaint do come out of the funds of the company in liquidation



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2. Ms.B.Ambili, Deputy Official Liquidator submitted that the winding up order has been passed by this Court on 28.11.2012. Since the Ex-Directors of the company in liquidation have filed their Statement of Affairs only on 26.06.2023, the present application came to be filed to punish them in accordance with law. Therefore, she requested this Court to pass appropriate orders.

3. It is clear that the Statement of Affairs has to be filed as per the provisions of Section 454(1) to (3) of the Companies Act, 1956 before the Official Liquidator within a prescribed period. However, in the present case, the Ex-Directors of the Company in liquidation have failed to file their Statement of affairs within a prescribed period under the Act. Therefore, they are liable to be punished and the same may be awarded by this Court.

4. The learned counsel for the respondents would submit that they would cooperate with the Official Liquidator and supply appropriate information and materials, whatever the Official Liquidator requires.

5. Considering the submission made by the learned counsel for the



respondents, this Court directs the respondents to provide required information and shall co-operate with the Official Liquidator for the purpose of smooth conclusion of the proceedings. In the event, if there is a failure on the part of the respondents to cooperate with the Official Liquidator and to provide information and other details, the Official Liquidator is at liberty to re-open this application and, thereafter, this Court will consider the imposition of sentence.

6. With the above, the Company Application is closed.

14.06.2024

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