



Comp.A.No.105 of 2024

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in

C.P.No.80 of 1991

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C.SARAVANAN, J.

This application has been filed pursuant to order passed by this Court on 28.02.2020. Para 7 to 13 of the report reads as under:-

“7. That the fund available to the credit of the company (in liquidation) as on 13.02.2024 is as follows:-

	Rs.
Bank	1,16,059.44
Investment	8,55,000.00
Total	7,71,059.44

8. That the Hon'ble High Court Madras Order dated 28.02.2020 in Company Application No.83 of 2020 has directed the Official Liquidator to once again re-adjudicate the claims of the secured creditors, workmen creditors and the preferential creditors. If during the re adjudication also, the workmen do not respond with the necessary documents. It is open to Official Liquidator to disburse the amount to the secured creditors.

9. In this regard, as per order of the Hon'ble High Court Madras, this Office has already sent Form No.68 dated 27.01.2022 to 57 workmen creditors to produce original documents for re adjudication. Out of which 22 claimants have submitted original documents, 27 claimants have submitted only copies of documents and covers in respect of 8 claimants have been returned undelivered.



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10. It is submitted that, many of the employees who have submitted copies of documents have stated that their original proof of documents have been washed away in the floods during cyclone “Gaja” in 2015 & hence could not provide the originals.

11. In this regard, it is to state that Rule 149 Proof of debt-(1) “in a winding-up by the Court, every creditor shall, subject as hereinafter provided, prove his debt, unless the Judge in any particular case directs that any creditors or class of creditors shall be admitted without proof”.

12. In view of the above, to permit the Official Liquidator to re-adjudicate based on the copies of documents submitted by the workmen creditors/claimants without insisting on original documents. Further, it is submitted that the workmen creditors claimed amount is Rs.18,61,050/-.”

2. Being satisfied with the reasons stated in the report and affidavit filed in support of this application, this application stands allowed.

3. This Company Application stands allowed.

22.03.2024

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