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Comp.A.No.160 of 2023 in CP.No.178 of 2015

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KRISHNAN RAMASAMY, J.

1. This Company Application is filed to take the report filed by the Official Liquidator on record and to direct the Respondent/Debtor to pay a sum of Rs.11,23,239.73/- towards dues as mentioned in paragraph 5 with interest at 18% p.a. from 01.02.2023 to the date of full and final payment and to permit the Official Liquidator to incur the cost of this application from and out of the funds of the Company in Provisional Liquidation.
2. This Court heard the Deputy Official Liquidator (Official Liquidator In Charge). The notice sent to the Respondent/Debtor was returned unserved with an endorsement "vacated". Hence, this Court is inclined to hear the Deputy Official Liquidator and pass orders on merits in this application.
3. It is submitted by the Deputy Official Liquidator that this Court, by an order dated 29.01.2016 in the above Company Petition, appointed the Official Liquidator as the Provisional Liquidator of M/s.Gemini Industries and Imaging Limited (In Provisional Liquidation) and that a statement of affairs has been filed by the Ex-Directors of the Company in Provisional Liquidation, stating that the Respondent is liable to pay a sum of Rs.5,00,000/- as on the date of winding up of the Company. It is further submitted that the Official Liquidator issued a demand notice dated 29.03.2021 to the Respondent, demanding a sum of Rs.5,00,000/- with interest at 18% p.a. from 29.01.2016, the date of winding up till the date of entire settlement within 21 days, which was



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acknowledged by the Respondent and that since there was no reply from the Respondent/ Debtor, a final notice dated 23.09.2022 was issued, again demanding the said sum with interest to be paid within 15 days and the said notice was returned undelivered with an endorsement "Left". Hence, the Official Liquidator has filed this Company Application filed seeking the relief as stated above and proceeded to let in evidence.

4. On behalf of the Official Liquidator, a Senior Technical Assistant from the Office of the Official Liquidator was examined as PW.1 and Ex.A1 to Ex.A5 were marked.
5. On a perusal of both the oral and documentary evidence, this Court is of the considered view that the Official Liquidator has proved the claim made in this application and therefore, the Official Liquidator is entitled to the reliefs as prayed for in this Company Application. Accordingly, this Company Application is allowed as prayed for.

20.06.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation:Yes/No
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