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Comp.Appln.No.176 of 2023 in
C.P.No.178 of 2015

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KRISHNAN RAMASAMY, J.,

This application has been filed by the learned Official Liquidator seeking to take the report of the learned Official Liquidator on file and for a direction to the Respondent to pay a sum of Rs.5,23,66,974.59/- towards dues as mentioned in paragraph 5 of the said report, along with subsequent interest @ 18% per annum from 01.03.2023 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. The learned Official Liquidator submitted that winding up order was passed by this Court on 29.01.2016 in C.P.No.178 of 2015 and the Official Liquidator was appointed to take charge of all the assets of the Company in Provisional Liquidation. She further submitted that as per the Statement of Affairs filed by the Ex-Directors, the Official Liquidator had issued a Demand Notice dated 18.10.2022 to the Respondent demanding a sum of Rs.2,30,03,491/- together with interest @ 18% per



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annum from the date of winding up i.e., 29.01.2016 till the date of entire settlement, within 21 days and the said notice was returned as undelivered with postal address "Left". Subsequently, the learned Official Liquidator issued another Demand Notice dated 15.12.2022, to the new address of the Respondent and the same was also returned with the endorsement "Unclaimed/Intimation served" and therefore left with no other alternative, this Application has been filed.

3. From the Records, it is seen that notice was ordered to the respondent as early as on 17.03.2023 and Mr.Adithya Reddy, learned counsel also filed vakalath for the Respondent on 25.09.2023 and sought time to file counter. At his request, the matter was adjourned to 25.09.2023. When the matter was taken up on 26.04.2024, none appeared for the Respondent and therefore the matter was directed to be listed under the caption "For Orders" on 13.06.2024 (today). Even today, there is no representation on behalf of the Respondent. This shows that the Respondent is not interested in prosecuting the case.



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4. This Court, on considering the submissions made by the learned Official Liquidator, is of the view that the learned Official Liquidator has made a case for allowing this application. Accordingly, this application is ordered as prayed for.

13.06.2024

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