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Comp.A.No.543 & 544 of 2023

Comp.A.Nos.543 & 544 of 2023

in

C.P.No.209 of 2003

KRISHNAN RAMASAMY, J.

Comp.A.No.543 of 2023 has been filed seeking to declare the order dated 25.10.2018 passed in Comp.A.No.546 of 2018 in C.P.No.209 of 2003 as null and void.

2. Comp.A.No.544 of 2023 has been filed seeking to recall the dated 25.10.2018 passed in Comp.A.No.546 of 2018 in C.P.No.209 of 2003.

3. These applications have been filed by the applicants who appears to be one of the former workers of the company, namely M/s.Dyna Lamps Glass Works Limited.

4. The main contention of the learned counsel for the applicants is that there are about 18 acres of land belongs to the respondent company in liquidation, which were not taken into consideration at the time of liquidation by the Official Liquidator as the same were not brought to the knowledge of the Official Liquidator. Further, he submitted that the dues which were payable to the workmen have not been settled. The said 18 acres of land stand in the name of the dissolved company, which have to be sold and the Official Liquidator is supposed to bring the said land for sale.



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Thereafter, from and out of the sale proceeds, the Official Liquidator require to settle the dues of the former workers. Hence, he prayed this Court to set-aside the order dated 25.10.2018 passed in C.P.No.209 of 2003 and C.A.No.546 of 2018.

5. The learned Official Liquidator submitted that, she has filed a report dated 04.01.2024 obtained from the Village Administrative Officer stating that some of the lands referred by the applicants, still stand in the name of the aforesaid company. Hence, she submitted that this Court may pass appropriate orders for restoration of the company petition.

6. Heard the learned counsel for the applicants as well as the learned Official Liquidator and perused the materials available on record.

7. In view of the above facts and circumstances of the case, this Court is satisfied with the submissions made by the learned counsel for the applicants, and the perusal of the report of the Official Liquidator shows that there are 18 acres of land are available and the same still stand in the name of the aforesaid company. Without settling the dues of the workmen, the Official Liquidator filed a Company Application viz., C.A.No.546 of 2018 before this Court and the same was ordered by this Court vide order dated 25.10.2018, thereby, the Official Liquidator is discharged from the proceedings. Under these circumstances, unless and otherwise, the order of this Court dated 25.10.2018 passed in C.A.No.546 of 2018 in C.P.No.209 of 2003 is set-aside, the rights and interest of the former



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workers of the aforesaid company as well as the other creditors would be prejudicially affected. Therefore, the dissolution order passed by this Court dated 25.10.2018 in C.P.No.209 of 2003 and C.A.No.546 of 2018 is hereby recalled. The learned Official Liquidator is directed to take over the charge of the possession of the property and bring the same for sale.

8. In view of the above, Comp.A.Nos.543 & 544 of 2023 in C.P.No.209 of 2003 are disposed of.

List the C.P.No.546 of 2018 on 06.06.2024.

05.04.2024

Index:Yes/No

Web:Yes/No

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Neutral Citation:Yes/No

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