Comp.A.Nos.293 & 294 of 2021
in
C.P.No.63 of 2013

C.SARAVANAN, J.

These two applications have been filed by the service provider whose services were engaged by the Office of the Official Liquidator pursuant to the order of this Court ordering the winding up of the Company under liquidation viz., M/s.Best & Crompton Engineering Limited. These applications have been filed for the following relief:-

Comp.A.No.293 of 2021	Comp.A.No.294 of 2021
To direct the Respondent to comply with the direction issued by this Hon'ble Court vide its Order dated 30.11.2016 in Comp.Appln.No.1094 of 2016 in Comp.Petn.No.63 of 2013 in so far as the payment of the Bills of the Security Agency to the Applicant herein from the common pool fund.	To direct the Respondent to pay the Applicant the outstanding sum of Rs.70,25,879/- Rupees Seventy Lakhs Twenty Five Thousand and Eight Hundred and Seventy Nine only together with interest at the rate of 24 percent per annum from the date of Bills to the date of payment in full.

2. Earlier an order came to be passed on 30.11.2016, wherein the decision to engage services of the applicant in Comp.A.Nos.294 & 293 of 2021 was ratified. Relevant paragraph of the order of this Court dated 30.11.2016 reads as under:-

> *"3. The OL says that machinery owned by the company in liquidation has been lying in the open and therefore, to secure the assets of the company in liquidation, General Security Reserve Agency, was deployed on a contractual basis. The OL, accordingly, seeks ratification of his action, whereby, the said security agency was deployed. The OL, further submits that money's are owed to the said security agency.*
>
> *3.1. In this behalf, an additional report dated 29.11.2016 has been filed today in Court.*
>
> *3.2. As per this report, the OL claims that towards security, a sum of Rs.11,63,742/- is payable in respect of expenses incurred in securing the factory of the company in liquidation. Similarly, with respect to the pump division, located at Bangalore, according to the OL, towards security expenses, a sum of Rs.1,07,396/- is payable. The details with respect to the expenses are given in paragraph No.2, at internal pages 2-3 of the report dated 29.11.2016. Copies of the bills submitted by the General Security Reserve Agency also been collectively appended as annexure "A" to the said report.*
>
> *4. On being queried, the OL has informed that the said bills have been personally verified by him.*

5. The OL seeks a further direction for appointment of a valuer, so that, the assets of the company in liquidation can be valued and therefore, put to sale.

6. Having regard to the assertion made in the affidavit accompanying the application and the report dated 29.11.2016, I am inclined to allow the prayers made in the application.

7. Accordingly, the earlier report, which is filed along with the captioned application and is dated 19.10.2016 is take on record. Furthermore, the report dated 29.11.2016 is also taken on record.

8. <u>The action of the OL in appointing General Security Reserve Agency, Chennai, as the Security Agency is, also ratified. The OL will, thus, have leave to pay the bills of General Security Reserve Agency from the common pool fund maintained by him with the right to recoup the same from the funds realised upon the sale of assets of the company in liquidation.</u>"

3. Meanwhile, during the interregnum the secure creditor of the Company under liquidation viz., M/s.IL & FS Financial Services Limited who was impleaded in these applications as second respondent has made attempted to sell the assets. However, M/s.IL & FS Financial Services Limited has been unable to sell the same.

C.SARAVANAN, J.
rgm

4. The learned Deputy Official Liquidator confirms that as on date the fund available for distribution is Rs.1,42,33,391/-. Therefore, I see no impediment in directing the Official Liquidator to process the bills raised by the applicant in Comp.A.Nos.293 & 294 of 2021.

5. The Office of the Official Liquidator shall therefore scrutinize the bills and file a report as to the correct amount that is payable to the applicant, within a period of 60 days and file a report on 26.04.2024 for further orders.

6. Both the applications stands disposed of with the above observations and directions.

23.02.2024

rgm

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