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Company Application No.800 of 2017
in
Company Petition No.375 of 2017

C.SARAVANAN, J.

Heard the learned counsel for the respondents and the learned Deputy Official Liquidator.

2. I have also perused the report filed by the Official Liquidator Office. The facts that have emerged before this Court clearly indicates that the respondents wanted the Company to execute the work after the period had come to an end for another quarter namely the 21st quarter. The amount for the first 20 quarter has been settled after due deduction by the respondents herein.

3. The records reveal that the Company under liquidation through the office of the Official Liquidator had deputed the employees of the Company under liquidation for executing the work for 21st quarter pursuant to letter / request of the Government of Gujarat. The records also reveal that

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the Company under liquidation has spent about Rs.2,67,88,523/-. Apart from the above, a sum of Rs.21,00,000/- has also been paid to one of the senior employees of the Company under liquidation who continued to work pursuant to the orders of this Court after the Company was ordered to be wound up. The Government of Gujarat has paid only a sum of Rs.2,74,207/- as against the total amount spent by the Office of the Official Liquidator of Rs.2,87,88,523/- to the employees of the Company under liquidation and to the various service providers. Therefore, the stand of the respondents that further payment can be made only on production of the certificate at this distant point of time cannot be countenanced.

4. Though the penalty has been levied by the respondents on the Company under liquidation it is evident that the respondents were keen for getting the work executed that was earlier contracted to the Company under liquidation even after the Company had been ordered to be wound up by this Court. As such there is no justification in denying payment to the Company under liquidation.

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5. In the Judge's summons the amount claimed is only Rs.1,99,67,202/-. It has not factored further, amount of Rs.21,00,000/- that was ordered to be paid pursuant to the order in Company Application No.291 of 2021 on 24.11.2023. The respondents are therefore directed to pay the net amount of Rs.1,96,92,995/- (Rs.1,99,67,202/- (-) Rs.2,74,207/-) to the office of the Official Liquidator together with interest at 9% for the period of default within a period of thirty days from the date of receipt of a copy of the order.

6. This Company Application is allowed.

28.03.2024

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