



WEB COPY

Comp.A.Nos .807
and 21



in
C.P.No.123 of 2013

Comp.A.Nos.807/2017 and 21 of 2019
in
C.P.No.123 of 2013

KRISHNAN RAMASAMY, J.

Application No.807 of 2017 has been filed for the following reliefs:

- (a) To take cognizance of the offence committed by the accused under Section 454 (5A) of the Companies Act, 1956 for non-filing of Statement of Official Liquidator and impose the punishment.
- (b) To direct the accused to file forthwith the Statement of Affairs with the Official Liquidator.
- (c) To direct the cost of this application do come out of the funds of the common pool fund and recoup the same on sale of assets.
- (d) To pass such order/s as this Court may deem fit and proper in the circumstances of the case.

2. Appl.No.21 of 2019 has been filed to direct the Respondents 1 and 3 to deliver the books of accounts, statutory registers, returns, other records and assets of the company in provisional liquidation and to direct the costs of application to met out from the funds of the company in liquidation.

3. When these matters are taken up for hearing, it is submitted by the learned Official Liquidator that despite the winding up order being passed by this Court, with regard to M/s.Swathy Smart Cards, Hi-Tech Private Ltd., on 07.04.2024, the Ex-Directors of the Company in liquidation viz., Swathy Smart Cards, Hi-Tech Private



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Ltd., have filed the Statement of Affairs only on 04.02.2022 and that apart handed over the documents sought for by her belatedly.

4. Considering the facts and circumstances of the case, this Court is inclined to close these applications with liberty to the learned Official Liquidator to re-open the application, in case the Ex-Directors of the Company in liquidation fails to co-operate with liquidation process.

5. Accordingly, these Applications are closed. It is made clear that in case the Ex-Directors of the Company in liquidation do not co-operate with the liquidation process, the learned Official Liquidator is at liberty to re-open these Applications,

28.06.2024

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