



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.08.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Comp.A.No.195 of 2025
in C.P.No.53 of 1995

N.S.Krishna Kumar,
Son of Mr.N.C.Somasundaram,
Residing at, No.1, Avadi Road,
Ellaiammanpettai,
Pammabathakulam Post,
Red Hills, Chennai 600 052.

Temporarily residing at,
Vimal PremlathaKosalram
30 Albacore Crescent, Scarborough,
ON, M1H 2L3, Canada.

... Applicant

-VS-

The Official Liquidator,
High Court, Madras,
(Provisional Liquidator of
M/s.Avigna Oil Mills (P) Ltd., in Liquidation)
Rajaji Salai, Chennai 600 001. and another.

... Respondents

For Applicant : Mr.P.R.Raman, Sr. Advocate
for M/s.Anupam Raghuraman



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For Respondents : Ms.B.Ambili, Dy. Official Liquidator for R1
Mr.Haja Wazirudeen, AAG
Assisted by
Ms.Amita Dinakaran, GA
Mr.Haribabu, GA for R2

ORDER

Upon failure of efforts to rehabilitate the company previously known as Avigna Oil Mills Private Limited, at the instance of the BIFR, C.P.No.53 of 1995 was filed. The said petition was admitted and the Official Liquidator was placed in charge of the assets and affairs of the said company. In relation to arrears of taxes due to the Commercial Taxes Department, the Official Liquidator received communication dated 14.11.2023 from the Assistant Commissioner (ST), T.Nagar Assessment Circle, stating that a discount was being offered under the Samadhan Scheme subject to payment of Rs.53,93,348.22/-. After this offer was later withdrawn by the Commercial Taxes Department, an ex-director of the company, N.S.Krishna Kumar, filed W.P.No.28815 of 2024. The relief claimed in the said writ petition is to quash an order dated 07.02.2024 of the second respondent and to consequently direct the said respondent to issue a



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no due certificate to the company in liquidation. The Official Liquidator

has been arrayed as the third respondent therein.

2. By order dated 18.07.2025, the Writ Court noticed the objection of the Official Liquidator with reference to Section 446(2) of the Companies Act, 1956 and adjourned the writ petition so as to enable learned Additional Advocate General to obtain instructions. The present application has been filed in the said facts and circumstances seeking permission from this Court to prosecute the writ petition.

3. At the outset, by filing the certificate of incorporation consequent to change of name, the Official Liquidator submits that the name of the company in liquidation was changed to Visharada Oils Limited with effect from 03.08.2004. In view thereof, an appropriate application to amend the cause title may be filed by the petitioner in the writ petition and by the Official Liquidator in proceedings before this Court.



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4. The Official Liquidator submits that the claim of the Commercial Taxes Department was adjudicated by the Official Liquidator and that the order of adjudication has not been challenged by the Commercial Taxes Department before this Court.

5. Learned Additional Advocate General submits that the ex-director does not have the authority to represent the company in liquidation. He relies upon the judgment of the Kerala High Court in *M/s.JTL Projects Pvt. Ltd. v. The Tahsildar Taluk Office, Ernakulam and others* 2014 SCC OnLine Ker 17777.

6. Learned senior counsel for the applicant submits that the ex-director is endeavouring to support the cause of the company in liquidation and, therefore, no prejudice would be caused to the company or its stakeholders if leave is granted.

7. The Official Liquidator had adjudicated the claim of the Commercial Taxes Department in a sum of Rs.1,45,25,085/-. On examining



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the affidavit in support of the writ petition, it appears that the ex-director seeks quashing of an order dated 07.02.2024 and the issuance of a no-due certificate. In effect, if the petitioner were to succeed, the company in liquidation would have to pay Rs.54,95,635.82/- instead of Rs.1,45,25,085/-. *Prima facie*, the endeavour of the petitioner appears to be in the interest of the company in liquidation. As recorded earlier, the Official Liquidator has been arrayed as the third respondent therein and, consequently, is in a position to place all material facts before the writ Court.

8. For reasons set out above, the applicant is granted leave to prosecute the writ petition. All contentions are left open and it is needless to say that no opinion has been expressed on the merits of the matter.

9. This application is disposed of on these terms.

22.08.2025

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SENTHILKUMAR RAMAMOORTHY,J

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