

The Official L Iquidator vs Nil

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Court : Kerala Orders

Decided On : Sep-25-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : MCA/31/2019

Appellant : The Official L Iquidator

Respondent : NIL

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

(Original Jurisdiction) In the matter of the Companies Act, 1956 and In the matter of M/s.Mode Creazones (India) Limited (In Liquidation) MCA No.31/2019 in Co.Pet.No.1/1998 Before: The Honourable MrJustice VIJU ABRAHAM Monday, the 25th day of September, 2023/3rd Aswina, 1945 APPLICANT THE OFFICIAL LIQUIDATOR, HIGH COURT OF KERALA, REPRESENTING M/S.MODE CREAZONE (INDIA) LIMITED (IN LIQUIDATION) RESPONDENT NIL Misc. Company Appliacion Section 457(1)(e) section 546 (1)(a)(i) and section 555(1)(a) of the Companies Act, 1956 read with Rule 275, 276, 290 and 9 of the

Companies(Court) Rules, 1959 filed by the applicant above named praying for an order

to:- i) ratify the action of the Official Liquidator in serving a copy of this application to Income Tax Department, Ernakulam;

ii) Accord Sanction under the provisions of Section 546 (1)(a)(i) of the Companies Act, 1956 to the Official Liquidator to pay in full the Workmen Class of Creditors failing under provisions of Section 529/529A numbering 4 having due amount of Rs.62,725/- in view of the facts narrated in para 5 of the accompanying affidavit and consequently, to accord sanction to declare and pay the 1st dividend of 100 paise in a rupee to 4 workmen Contd.....2 creditors of the company whose names and particulars are reflected in the list of creditors filed before this Hon'ble Court vide Report No.84, 85 and 88;

iii). accord permission to fix 30.12.2019 as the date of commencement of payment of the dividend and 28.02.2020 as the last date for payment of Dividend and to transfer the unclaimed dividend amount thereafter forthwith into the Companies Liquidation Account as required under section 555(1) of the Companies Act, 1956; iv). accord permission to the Official Liquidator to open a separate dividend account with Punjab National Bank, Ravipuram, M.G.Road, Ernakulam as contemplated under Rule 290 of the Companies(Court) Rules,1959 and to deposit a sum of Rs.62,725.00 in the said account; v). Accord permission to the Official Liquidator to dispense with the advertisement of Declaration of Dividend in news papers as required under Rule 276 of the Companies (court) Rule,1959; vi). accord permission to the Official Liquidator to issue individual notices to the admitted creditors to whom dividend is proposed as required under Rule 276 of the Companies (Court) Rules, 1959 by ordinary post;

and vii). to pass such other order or orders as may be deemed fit and proper in the premises. This Miscellaneous Company Application coming on for orders on this day upon hearing Sri.K.Moni, Standing Counsel for the Official Liquidator and Sri.Jose Joseph, Standing Counsel for the Income Tax Department, the court

passed the following: MCA No. 31 of 2019 :2:

VIJU ABRAHAM , J.

===== MCA No. 31 of 2019

===== Dated this the 25th day of September, 2023

ORDER

When the matter was taken up for consideration the learned Counsel for the Official Liquidator submits that the matter has become infructuous. Recording the said submission, the above application is dismissed as infructuous. Sd/- VIJU ABRAHAM JUDGE sbk/-

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