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D.D. Sinha and anr. Vs. Official Liquidator, Rajasthan Commercial and Industrial Finance (India) Ltd. (In Liquidation)

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SooperKanoon Citation : sooperkanoon.com/761510

Court : Rajasthan

Decided On : Jan-24-2003

Reported in : [2004]118CompCas112(Raj); [2004]50SCL26(Raj)

Judge : S.K. Keshote, J.

Acts : [Companies Act, 1956](#) - Sections 9 and 454; Companies (Court) Rules, 1959

Appeal No. : S.B. Company Application No. 11 of 1992 in Company Petition No. 20 of 1988

Appellant : D.D. Sinha and anr.

Respondent : Official Liquidator, Rajasthan Commercial and Industrial Finance (India) Ltd. (In Liquidation)

Advocate for Def. : G.C. Garg, Adv.

Advocate for Pet/Ap. : V.L. Mathur, Adv.

Disposition : Application dismissed

Judgement :

S.K. Keshote, J.

1. Heard learned counsel for the parties, perused the application.
2. The petitioners, the directors of M/s. Rajasthan Commercial and Industrial Finance (India) Ltd. (in liquidation), filed this application under Section 454 of the [Companies Act, 1956](#), read with Rule 9 of the Companies (Court) Rules, 1959.
3. In the application, the applicants prayed for dispensation with the preparation of the statement of accounts as already the entire record is with the official liquidator and the applicants have got no document whatsoever in their possession. In the alternative, it is prayed that the applicants may be allowed to hire the services of qualified chartered accountant for preparation of the statements of accounts and the official liquidator may be directed to allow the applicant and their chartered accountant to assess to the documents submitted by the applicant to the official liquidator for preparation of the statements of accounts.
4. The another prayer is made for direction to the official liquidator to pay the cost for preparation of statements of accounts such as remuneration of chartered accountant, typing charges and other incidental expenses.
5. It is not in dispute that the second prayer made by the applicants has been granted by the court and statements of affairs/accounts whether it is complete or incomplete or defective is not the question for consideration here, have been filed.
6. Counsel for the official liquidator has given out that the expenses for filing of the statement of affairs/accounts have been paid by the official liquidator. Thus in this partition now nothing substantially survives.
7. Learned counsel for the official liquidator submitted that the statements of affairs filed by the directors are incomplete or defective.
8. This is not the proper forum where these objections/questions can be gone into and considered. The official liquidator in case considers that the statements of affairs/account filed by the applicants are defective or incomplete he is free to take the appropriate action against them, if it is not taken so far.

9. Accordingly this application is dismissed as having become infructuous.

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