

Frequently asked questions

1) Who can submit the claim?

Creditors (i.e. workmen of the company (as defined in Section 2 (S) of the Industrial Dispute Act, 1947) and updated thereafter), secured creditors, employees of the company (other than workmen), Statutory creditors dues of Tax authorities, etc., unsecured creditors, operational creditors, etc., are required to file their claim in Form 66 or 67 of the Companies (Court) Rules, 1959 as may be applicable.

2) Is there a format readily available?

Yes, it is available on the Official Liquidator's website

<https://olkarnataka.kar.nic.in/forms.asp>

3) Should the claimant attach and submit the original documentary proof in respect of the claim along with Form 66/67?

Yes, you have to attach the originals. However, you are advised to take sufficient photo copies of the original documentary proof for your record and reference.

4) How to send the Form 66/67 to the Official Liquidator?

Form 66/67 is to be submitted in physical form only by RPAD or SPAD or in person and take an acknowledgement and not to be submitted through email.

5) Should I execute the form No. 66/67 on a stamp paper and notarize it before submitting to Official Liquidator?

Yes. The Form 66/67 is to be executed on a non-judicial stamp paper of Rs.20/- or above and to be notarized.

6) After submission of Form No. 66/67, what next?

The Official Liquidator will take up the adjudication of the Forms 66/67 along with the proofs submitted and issue Form No. 69 in case the claim is fully/partially rejected and Form No.70 in case of the claim being fully admitted. The Official Liquidator also issues Form No. 68 calling for further documentary proof in the event of finding the documents already submitted to be insufficient.

7) If I am unable to submit the Form No.66/67 within the time prescribed?

You have to approach the Hon'ble High Court of Karnataka seeking condonation of delay in filing Form No, 66/67 under Rule 177 of the Companies (Court) Rules, 1959.

8) If I am not satisfied with the adjudication process/order, what is the next step?

The claimant will have to approach the Hon'ble High Court of Karnataka by way of Company Application within 21 days of receipt of the adjudication order i.e. Form No. 69 for any relief in the matter under section 164 of the Companies (Court) Rules, 1959

9) Will the admitted amount be paid after adjudication?

Please be informed that mere adjudication of claim will not entitle the claimant to receive any amounts. The same shall be strictly subject to availability of funds to the credit of the company (in liquidation) and shall be subject to the orders of the Hon'ble High Court of Karnataka and in accordance of Section 528, 529 (A) & 530 of the Companies Act, 1956.

10) Whether admitted amount will be paid in full and whether interest is applicable?

Please note that the company is sick and in liquidation and not a going concern. The payment of dividend depends upon the liquidation value of the assets which is usually lesser than that of a going concern. Therefore, full payment of the admitted amount is generally not possible subject to exceptions.

The interest claimed by the claimant is admissible and calculated upto the date of winding up order only and not upto the date of payment. Please refer to Rule 156 of the Companies (Court) Rules, 1959.

However, In the event there being a surplus after payment in full of all the claims admitted claims, then an interest not exceeding 4% on the admitted claim is payable till the date of payment. Please refer to Rule 179 of the Companies (Court) Rules, 1959.

11) How do I know when the adjudicated amount will be paid?

The Official Liquidator after obtaining the due permission of the Hon'ble High Court of Karnataka will send individual notice of dividend in Form No. 138 of the Companies (Court) Rules, 1959. The Official Liquidator will also issue a public notice, if necessary, in prominent newspapers about the declaration of dividend.

12) Is there a time limit for the Official Liquidator to make the payment of claim after adjudication?

Please refer to the answer to the query No.9 above. Additionally, please also note that the Official Liquidator would make all efforts to make the payment as soon as practicable subject to administrative exigencies.

13) What is the mode of payment of dividend by the Official Liquidator?

The Official Liquidator makes payment only in electronic mode to the bank account number which the claimant provides while returning Form No.138 to the Official Liquidator.

14) Once dividend is declared, till how long I can claim the payment of dividend amount from the Official Liquidator?

The prescribed time limit is Six months from the date of declaration.

15) What if I don't claim the payment within the time prescribed time?

After the prescribed time the Official Liquidator will transfer the unclaimed dividend amount to 'The Companies Liquidation Account' which is operated by the Jurisdictional Registrar of Companies whom the claimant can approach thereafter within a period of fifteen years.

16) What if the original claimant is deceased before invitation of claim or after submission of claim?

Please refer to Rule 280 of the Companies (Court) Rules, 1959.

17) What are the modes of contacting the Office of the Official Liquidator?

The contact details on all working days during the office hours is as follows:

- a) Phone No. 080-25598671/2
- b) Email id: ol-bangalore-mca@nic.in
- c) Address: Office of the Official Liquidator
'Corporate Bhavan', 12th Floor, Raheja Towers
No.26-27, M.G.Road, Bengaluru – 560 001

DISCLAIMER: The questions and answers are only for enhancing the awareness of the claimants about the claim process and are advisory in nature.