

**Appellant Vs. Respondent**

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**SooperKanoon Citation :** [sooperkanoon.com/1059222](http://sooperkanoon.com/1059222)

**Court :** Kolkata

**Decided On :** Jan-11-2012

**Judge :** Ashoke Kumar Dasadhikari

**Appellant :** Appellant

**Respondent :** Respondent

**Judgement :**

1 CP No.392 of 2010 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction  
In the matter of: TSAI ENTERPRISES PVT.LTD.And Madhukar Khemka  
BEFORE: The Hon'ble JUSTICE ASHOKE KUMAR DASADHIKARI Date :

11. h January, 2012.

Appearance: Ms.Jayeeta Sinha, Adv.with Mr.P.Sarawagi,Adv.The Court : This winding up application has come up for final disposal after publication of notice.

The matter appeared as Application New on 10.1.2012 and at the time of call nobody appeared on behalf of the petitioner company not any accommodation was sought for and this Court directed the matter to appear today as Company Matter Adjourned (Unopposed).

Even today at the time of call nobody appeared for the company.

The application was filed by the petitioner against the company for not payment of loan amounting to Rs.50,00,000/- as principal and interest for Rs.13,09,279/- from October 1, 2008 to March 31, 2010.

The application was admitted and it was held that the applicant is entitled to get a sum of Rs.50,00,000/- as principal and interest for Rs.13,09,279/- from October 1, 2008 to March 31, 2010 and further interest at the rate of 8% per annum till the date of payment.

It appears that the company did not reply to the statutory notice and they did not file any affidavit against the claim of the applicant.

It appears that Therefore, I there hold is in no a bona fide summary way defence that on the the part company is of the indebted company.

to the petitioning creditor for a sum of Rs.50,00,000/- as principal and interest for Rs.13,09,279/- from October 1, 2008 to March 31, 2010 and further interest at the rate of 8% per annum till repayment.

In those circumstances, this company ought to be wound up.

I pass order in terms of prayers (a) and (b) of the petition.

This application is allowed.

Official Liquidator and all parties concerned are to act on a signed photocopy of this order on the usual undertakings.

Urgent certified photocopy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(ASHOKE KUMAR DASADHIKARI, J.) km

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