

**Appellant Vs. Respondent**

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**SooperKanoon Citation :** [sooperkanoon.com/1059541](http://sooperkanoon.com/1059541)

**Court :** Kolkata

**Decided On :** Apr-16-2012

**Judge :** Sanjib Banerjee

**Appellant :** Appellant

**Respondent :** Respondent

**Judgement :**

ORDER

SHEET CP No.104 of 2010 IN THE HIGH COURT AT CALCUTTA ORIGINAL JURISDICTION IN THE MATTER OF: MOW CHONG TANNERY (P) LTD.-ANDIN THE MATTER OF: UTPAL ADHIA BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date :

16. h April, 2012.

Appearance: Mr.K.Thakkar, Adv.Mr.R.Sarkar, Adv.for the petitioning-creditor The Court : None appears on behalf of the company even at the second call.

No affidavit-in-opposition has been filed.

The claim of the petitioning-creditor is on account of price of goods sold and delivered.

The statutory notice of December 15, 2009 demanded payment of a sum of Rs.31,20,128/- and interest thereon.

Despite due receipt of such statutory notice, the company did not respond thereto.

The petitioner relies on primary documents in support of the principal claim.

Since the company is not represented and no affidavit has been filed, it is evident that the company has no defence to the claim.

In any event, upon the company not having responded to the statutory notice, there is a presumption that has arisen that the company is unable to pay its debt.

CP No.104 of 2010 is admitted.

If the company pays off the principal sum of Rs.31,20,128/- together with interest thereon at the rate of 10 per cent per annum from the date of the statutory notice (December 15, 2009) within a period of four weeks from date, the petition will remain permanently stayed.

In default, the petition will be advertised once in The Statesman.

and once in Bartaman.

indicating that the matter will appear before Court on the first available working day after the expiry of four weeks from the date of the publications being made.

Publication in the Official Gazette will stand dispensed with.

There will be no order as to costs at this stage.

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

(SANJIB BANERJEE, J.) kc.

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