

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Jun-19-2013

Judge : Harish Tandon

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CP No.305 of 2013 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction IN THE MATTER OF : EIRA DEVELOPERS PRIVATE LIMITED And MInot F.MEHTA BEFORE: The Hon'ble JUSTICE HARISH TANDON Date :

19. h June, 2013.

Appearance: Mr.R.Mitra, Adv.Mr.C.Gupta, Adv.Mr.D.Saha, Adv.for the petitioner Mr.T.K.

Sinha, Adv..for the company The Court : This winding up petition is filed for non-payment of the loan along with an accrued interest thereupon which the company received from the petitioning creditor.

The confirmation of an account annexed to the winding up petition reflects the loan of Rs.2 crores and the company also paid an interest of Rs.36 lakhs for the

assessment year 2011-12.

The company on every financial year has forwarded the confirmation of an account and, therefore, admitted the liability to pay the said sum of Rs.2 crores along with an accrued interest thereupon to the petitioning creditor.

In view of the admission on the part of the company, there is no plausible defence to the company.

The company which represented today could not satisfy the Court that there is any bona fide dispute being raised to the claim of the petitioning creditor and have no plausible answer to the confirmation of account so annexed to this winding up petition.

This Court, therefore, finds that the company is unable to take steps.

The winding up petition is admitted for a principal sum of Rs.2 crores together with an interest at the rate of 16 % to be calculated from the date of 1st April, 2012 till payment.

If the company pays the said amount along with an interest within two months from date this winding up petition shall remain permanently stayed.

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

The advertisements should indicate that the matter will appear before Court on the first available working day after the expiry of a period of four weeks from the date of the publications being made.

Publication in the official gazette will stand dispensed with.

The petitioning creditor will also forward a copy of this order to the Registrar of companies and require the registrar to show cause before this Court when this matter appears at the post-advertisement stage as to the steps taken by the registrar in respect of this company which seems to have disappeared after duping its deposit ORS. There will be no order as to costs.

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

(HARISH TANDON, J.) B.Pal A.R.(C.R.)

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