

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Apr-01-2013

Judge : Sanjib Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

CP No.418 of 2012 IN THE HIGH COURT AT CALCUTTA ORIGINAL JURISDICTION IN THE MATTER OF: RUBI STAR MARKETING PVT.LTD.- ANDJAYANT GHOSE BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date : April 1, 2013.

Appearance: Mr.Sabyasachi Chowdhury, Adv.Mr.Rajarshi Dutta, Adv.The Court : The company is not represented despite service and subsequent notices at both the registered office of the company and at the known addresses of the directors of the company.

It appears that the company may have vanished altogether upon obtaining deposits from gullible parties.

The claim of the petitioning-creditor is on account of money deposited for return by the company with interest.

The amount claimed in the statutory notice is Rs.7,09,398/-.

Since the statutory notice has been posted in the usual courts and addressed to the registered office and no reply has been received thereto, there is a presumption of the company's inability to pay its debts.

CP No.418 of 2012 is admitted for the principal sum of Rs.7,09,398/- together with interest thereon at the rate of 8 per cent per annum from the date of the statutory notice till payment.

If the company pays off the entire amount, inclusive of interest and costs, within a fortnight from date, the petition will 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 four weeks from the date of the publications being made.

Publication in the Official Gazette will stand dispensed with.

Since there are several petitions on identical grounds against this company, the publication of the advertisements may be jointly made by all the petitioners in a combined notice which should be published on two consecutive days in the aforesaid newspapers. 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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